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THE BASIS OF THE DEMAND FOR PUBLIC  
REGULATION OF INDUSTRIES.

In the industrial operations of modern society no tendency is more observable—none, it may be said, has advanced so far—as that towards specialization of function. The result has been that the needs of civilized life have been far more perfectly met and supplied than would otherwise have been possible. This separation of functions is, in fact, a manifestation of a general law of social evolution. It is the imperative requirement, and the necessary condition of advanced human society. Hand in hand, step by step with advancing civilization, the division of labor—differentiation of function—has proceeded, furnishing at once the most striking phenomenon of industrial progress, and the most powerful aid to its further achievements.

And yet, incalculable as have been the benefits to mankind hence resulting, impossible as human advancement would have been under other conditions, and undeniable as has

been the improvement in the conditions of the masses of society as compared with former times, it cannot escape observation that what constitutes the strength and progressive power of society, as a whole, constitutes also, in a sense, the weakness of the individual, and often involves unfortunate disparity between man and man. Different industrial classes have arisen, and the dependence of class upon class has increased almost beyond conception ; but the reciprocity of dependence between individuals of different classes has in many cases been well-nigh destroyed.

Under social conditions which would now be called primitive, but which, nevertheless, supply all the necessities and many of the enjoyments of life, the circle of dependencies, if the expression may be used, is often very limited. For illustrations of this fact it is not necessary to revert to a remote past, or to an early and primitive period of civilized life. In many of our older states may be found, to-day, communities remote from contact with the throbbing energies and insatiable aspirations of modern progress, isolated by physical barriers from the great world beyond them, living for the most part in simple independence of the rest of mankind. In such communities specialization has made but little progress. The tastes of the people are simple and their wants are few. The soil, rudely cultivated with antiquated implements, yields a sufficiency of vegetable food for man and beast. The product of the chase and the tribute of the stream supplement the scanty stock of domestic animal food. The neighboring forest, yielding to the blows of the axe—no other implement is needed—furnishes the logs and the rudely riven boards for the construction of the dwelling. A patch of cotton or of flax and half a dozen sheep to each family yield the raw material which hand-cards, spinning-wheels, and ancestral hand-looms convert into ample clothing for the people. Usually, with the occasional aid of a neighbor, each household can perform, within and for itself, most of the simple functions which are necessary for the maintenance of such a life as is here described.

Every man is his own farmer, herdsman, huntsman, clothier, builder. Such food, shelter and raiment as he has are the product of his own, almost unaided, exertions. The functions of such a society are but slightly differentiated. Such interdependencies as exist, exist directly between man and man. Each individual clearly perceives his own equal dependence upon, or independence of, other individuals. The industrial equilibrium is maintained by forces operating directly between individuals, and class distinctions are almost unknown. Among the most striking characteristics of such a community are the social equality of its members and the comparatively equal distribution of its wealth.

And this condition of industrial independence contains within itself elements of contentment, of individual happiness, and of good citizenship, which, in the march of progress and the advance of civilization, have vanished away. Strikes and lock-outs, labor organizations and trusts, those inevitable and unhappy concomitants of progress, have no place in a simple society. The very sense of industrial independence, the knowledge of every man that within himself, or at most within a small circle of known, equal, and mutual dependencies, exists the means of supporting life, and supplying at least its more elementary wants, is the most substantial basis of social contentment and stability.

But however desirable in itself industrial independence may be, it is incompatible with high industrial development. He who attempts the performance of many functions will perform none of them in a complete and satisfactory manner. "Jack at all trades and master of none" is the popular proverb which expresses the general appreciation of this fact. And the smaller the circle of dependencies, the greater the number of functions each member of the circle must perform, and the more unsatisfactory and incomplete will be the performance.

Hence, industrial progress necessarily involves the continued expansion of the circle of dependencies, and from this results the growing relative inequalities in society,

which constitutes one of the most serious of social problems. Without any previous understanding or concert of action, by a movement of which most of the participants in it are quite unconscious, those functions which are more complex in character are gradually relinquished by the masses, and are assumed by distinct classes. As social functions are further differentiated those classes become more numerous and more distinct, and frequently functions of the highest consequence to all come to be performed by a comparatively small class of workers. Gradually the circle of dependencies is divided into distinct industrial segments, the largest of which (if the circle is complete) is found to be occupied with the exercise of those fundamental functions which are essential to the maintenance of individual existence, not only in that particular segment, but in all other parts of the circle. Other segments of greatly diminished size are seen to discharge functions towards the whole, each of which implies an advance in the scale of civilization, with the new wants which civilization creates, and the means of satisfaction which it provides.

Considering, then, industrial society as a whole, and its dependence upon functions which have been thus differentiated and specialized, it will be observed that under complex social conditions the mutuality and equality of dependence which, under simple conditions, exist between individuals are, in respect of many important functions, transferred from individuals to the separate integral segments of the industrial circle.

Similarly, on examining the several industrial segments separately, it is manifest that in none of them does equality exist between the individuals composing it. The least inequality prevails in that segment which performs the primary functions of society, and the inequality of individuals in the different segments generally becomes greater and greater as the functions performed by those segments become more complex and farther removed from the primary functions. In point of fact a process takes place in each segment, of



separation into sub-segments more or less distinct, into which the functions of the main segment are differentiated and specialized.

The general law of supply and demand maintains a proper equilibrium between the several segments and sub-segments considered as entireties. But, as the number of individuals composing the different segments and sub-segments varies immensely—being very great in some and very small in others—it follows that the average individual in the larger segment is far more dependent on the average individual in the smaller than the latter is upon the former.

The principle which underlies and explains individual inequality in industrial society, broadly stated, is that certain functions necessary to all can be best discharged, and are in fact discharged by a few, while other functions necessary to all are in fact discharged by many. Equality of dependence exists between the few collectively on the one side and the many on the other. But consequent disparity exists between the average individual of the few and the average individual of the many. Combination among the few increases the relative dependence of the many, and can only be counteracted by combination among the many, or by something equivalent thereto. But combination among a few is easy, and combination among many is difficult. Moreover, combination of class against class implies antagonism, and itself frequently engenders still further antagonism between the classes. And antagonism between classes whose co-operation is essential to the proper discharge of any function implies a failure of that function; and apart from the merits of the controversy as between the immediate parties to it, other and vastly larger classes may suffer from the failure of the function upon whose proper discharge they have become dependent.

How to harmonize industrial progress, with a reasonable degree of security, in the masses against the arbitrary action of a few, who, in every advanced society, inevitably acquire exclusive control of industrial functions of great conse-

quence to all is, then, a problem well worthy of consideration. Before venturing any suggestion as to the direction in which a solution seems likely to be sought (and without meaning to imply that it is the right direction), it will be well to illustrate the foregoing general observations by reference to a few salient features in the industrial situation of our own country. The great and growing inequality in the distribution of the national wealth is frequently charged to our restrictive commercial policy, and to some extent the charge may be well founded. But the inequality is far more largely due to the necessary and inherent conditions of industrial progress. Indeed, some of the most conspicuous examples of monopoly and power on the one hand, and of dependence on the other, are displayed under conditions which legal restrictions have not only not favored, but have been designed to prevent.

Observe, then, in connection with what has been said, the three great divisions of industrial society in the United States—the Agricultural, the Commercial, and Manufacturing—and a few of their most distinct and conspicuous subdivisions. While agriculture, manufactures and commerce are usually referred to as constituting the principal industrial classes of a nation, including grazing under the general term "agriculture," and mining under the general head of "manufactures," yet there is in every civilized country a vast number of persons engaged in various occupations who can not be classed under any of the foregoing heads. In the United States census these are classified under the general head of "persons engaged in professional and personal services." But while they exercise functions of very great social importance, and while a few of them enjoy very great social and political influence, yet the most conspicuous relations of the agricultural, commercial and manufacturing classes to each other, and the most obvious features in the internal organization of each class, may be treated without considering "persons engaged in professional and personal services."

Agriculture is, of course, the fundamental and primary function upon the efficacy and adequate discharge of which all classes are ultimately dependent. It is the largest of the industrial segments, and has made the least progress in specialization. The 7,670,493 persons engaged in agriculture in the United States in 1880, are by the census of that year divided into only twelve classes, some of which are very insignificant; the most important being "farmers and planters," numbering 4,225,925, and "agricultural laborers," numbering 3,323,876.

Commerce, or the exchange of products, with all the agencies and instrumentalities of exchanges, is an industrial function of the highest importance, yet less essential than agriculture. It implies an advance in industrial evolution, and is more highly differentiated than agriculture. The persons engaged in commerce in the United States under the head of "trade and transportation," numbering 1,810,256, are, by the census of 1880, subdivided into seventy-one classes.

"Manufacturing, mining and mechanical industries," denoting still further industrial advancement, occupy in the United States (or did, in 1880) 3,137,812 persons, and are by the same authority subdivided into one hundred and thirty-six classes.

The tendency towards specialization, it is thus seen, has grown with industrial progress, and is strongest in the segment of most complex functions. In commerce and manufactures the specialization is often so complete that some distinct branches of industry, under one or the other of those heads, though controlled by a comparatively small number of persons, appear to constitute in themselves separate and essential industrial segments, upon which all, or very many others, are dependent. Illustrations are found in warehouse and storage facilities, under certain circumstances, in telegraphic service, in railroad transportation, in the production of "dressed meats," in the production of illuminating oil, in sugar refining, in the production of iron and steel, and in

many manufactures thereof, and to a considerable extent in the manufacture of other articles essential to the due welfare of advanced industrial society.

Recurring now for a moment to the agricultural segment, this striking fact is noticeable, that the "farmers and planters" in the country at large outnumber the "agricultural laborers;" the employer class is numerically greater than the employe class. Under these circumstances, oppressive conduct of employer towards employe must, as a general rule, be impossible, and a fair share of the average product is assured to the latter for his services. "Agricultural laborers" outnumber "farmers and planters" only in the South Atlantic and Gulf States from Maryland to Louisiana, inclusive, and in Tennessee. This, at least, was the case in 1880. Even at that time the numbers of each class were nearly balanced in several of these states, and as a considerable subdivision of landed property has taken place since then, the census just taken will probably show a reversal of majorities in some of them. In no state does the proportion of laborers to farmers reach three to one, and in the leading agricultural states of the West, the proportion is something like one to two. Hence, except where race constitutes an indestructible basis of social distinction, the farmer and his hired laborers are usually found associating on terms of equality, and the reciprocity of dependence between them is sufficiently manifest. Even where difference of race creates social distinction between the planter and his hireling it is doubtful whether it is at all more pronounced than that existing between the factory owner and the factory operative of his own race.

And whatever the occasion or the degree of social distinction between employer and employe in agricultural communities, the directness and frequency of personal contact, and the evident mutuality and equality of dependence between them, contribute in the highest degree to reciprocal goodwill.

But carrying the comparison between the employer and

employe classes into commercial industries, and selecting at once that sub-division of commerce where the numerical disparity between those classes is most conspicuous—that of railroad transportation—a situation of the utmost gravity is disclosed. Of the railroads of the United States, other than mere street railroads, a mileage of about 160,000 miles is controlled and operated by less than 600 independent companies who give employment to three-fourths of a million, or more, of persons. The employes of some of the principal railroad systems number high into the thousands, all under the same control and direction, and most of them dependent upon the action of a single man, or at most a limited number of individuals for their very daily bread.

The mutuality of dependence between a great railroad corporation and any single one of its hundreds of machinists, engineers, firemen, brakemen, switchmen, trackmen or other employes is absolutely inappreciable. The dependence is altogether one-sided.

The same is true of the relations between the proprietors of large manufacturing establishments and their employes. The average number of employes to each manufacturing establishment in the United States in 1880, was nearly eleven. It is doubtless larger at the present time, as the tendency is plainly noticeable towards concentration of labor and capital into large establishments. This average numerical relation between employers and employes in manufacturing industries is very striking when compared with the same relation in agricultural occupations. In the principal manufacturing states of New England—Massachusetts, Connecticut and Rhode Island—the ratio of employes to establishments is about 25 to 1; in some cities of other states it is nearly as high, and in Pittsburgh, notably, the great centre of iron manufacture, it is more than 33 to 1.

These figures are sufficiently suggestive of the inequality of dependence between the employer and employe classes in manufacturing industries; but they represent averages merely. It is well known that many single establishments

both in manufactures and mining, give occupation to thousands of employes each, and here the disparity between the classes is yet more aggravated and conspicuous. The discontent of a few unorganized factory operatives or miners, or their refusal to accept a reduction of wages, is a matter of supreme indifference to the employer of a thousand men, so long as the vast majority of them remain faithful and fresh applicants for work are always on hand; but a frown of displeasure from the employer may well strike terror into any one of the thousand, to whom dismissal from service means the loss of the means of subsistence for himself and perhaps a dependent family.

It appears to be the sense of this dependence among the laboring classes, rather than the urgency of actual want, or actual exercise of oppressive conduct towards them, that has given rise to labor organizations; for the solicitude of large employers for the welfare of their employes, and the practical manner in which it is manifested, are matters of daily observation.

It can hardly be doubted that a very large majority of the members of these associations receive in their regular occupations wages which enable them to live in a state of comfort to which the great mass of agricultural laborers, and many of the small farmers, of the country are utter strangers. Yet agricultural laborers are rarely connected with labor organizations, and apparently feel but little interest in them. Their comparative independence, however, and the liberal share of the average agricultural product which they receive, seems to more than compensate for their far greater discomforts.

In controversies between labor and capital, public sympathy in the beginning is usually on the side of the former, but the sense of power arising from organization is apt to inspire unreasonable demands; and the coercive and retaliatory methods of labor organizations—the strike and the boycott—apart from the merits of the controversy in which they may be employed, are frequently grossly tyrannical in



their character, result often in serious public inconvenience, and have seldom accomplished the object of their originators. Such antagonisms can not but be fraught with the most dangerous tendencies to social tranquillity and safety.

The loss from them resulting to both sides and often to innocent third parties is usually very great. Due co-operation between the railway companies and their employes, for example, is essential to the commercial interests of the country, which are dependent upon railroad transportation. The idleness of multitudes of laborers and of a vast capital, consequent upon an extensive strike of railroad employes, implies an enormous loss to both the labor and capital directly involved, but the consequent paralysis of the function of transportation entails still further loss upon a multitude of persons who can in no way be held responsible for the controversy and who are entitled to protection against its incidental results.

These brief illustrations suffice to show the serious and general evils that may result from glaring class distinctions *within* the several industrial segments of society. Observe, now, the inequalities existing between members of different industrial segments. The farmer, occupied with the primary functions of civilized society, claims first attention. His, of all the industrial occupations, is the one most nearly capable of maintaining existence without extraneous aid. Yet agriculture, even in its widest forms, is to some extent dependent on other occupations, and for the development of its highest capacities and greatest productive powers its dependence upon other occupations is simply incalculable. Improved farm machinery is an essential factor in the agricultural product of the country, and the adequate distribution of the surplus is no less important. Many, it is true, are engaged in tillage on a small scale, who use but few and simple implements, yet their product is usually no more than sufficient for their own incomplete and stunted subsistence. Those who aspire to a share of the comforts and enjoyments which modern progress has made possible must do

so at the cost of a proportionate part of their natural independence.

But see how unequal are the relative situations of the average farmer, on the one hand, and on the other, of those in commercial and manufacturing industries on whom he is dependent. Railroad facilities for example, are indispensable in the transportation of his surplus product. Usually he has no choice of routes or of markets, and not the slightest voice in fixing the price he must pay for the service. He is but one of many thousand patrons of the carrier, while the latter has practically complete control of the means by which he may market his produce. His indignation and his protests against apparent injustice count for nothing; his ruin even is a matter of indifference, so long as the carriers' revenues are maintained from other sources. Mutuality of dependence between the average farmer and the railroad company is inappreciable, for while the latter performs exclusively the essential function of transportation, the former is but one of many thousands who perform the reciprocal function of supplying commodities for carriage.

Another operation is frequently essential in the distribution of agricultural products; that is their aggregation in large quantities and reassortment according to quality. This requires facilities on a large scale, usually of an exclusive character, and concentrated in a very few hands. The grain elevators of Chicago and other large cities furnish examples. Nothing is more natural or easier, in the absence of legal restrictions, than for the proprietors of these establishments to combine and prescribe prices and regulations for the storage of grain, regardless of the views of those to whom their service is indispensable. There is no reciprocity of dependence between the proprietor on one side and the individual patron on the other.

The manufacture of those implements of husbandry so necessary to the achievement of the best results in agriculture, such, for example, as mowers, reapers, and other harvesting machines, is also usually confined to a few extensive

establishments. This is partly due to the fact that they are generally patented inventions, in the manufacture and sale of which the patentees have a legal monopoly. But there is a more fundamental economic reason which underlies the tendency towards concentration and monopoly in manufacturing industries. This is the diminished cost of production in proportion to capital invested. When the operation of this principle has gradually centered in a few great establishments the control of any important branch of manufacture or commerce, the facility of combination among them, and the danger of injury likely to follow upon independent and competitive action, are very apt to result in a mutually protective alliance between them, more or less complete and effective.

Such alliances, whether or not they necessarily involve (as the popular belief is) the practice of extortion upon a helpless public, do certainly constitute in themselves a real and a serious social danger, because they strikingly manifest the great inequality of dependence, between the few who are thus combined on the one side and the unorganized masses of the common people on the other. The feeling of dependence, when evidently not reciprocated, is a powerful element of social discontent. The organization of the "Farmers' Alliance" is largely based on these considerations.

But jealousy of these combinations and apprehension of danger from them is by no means confined to the agricultural classes. Witness the general indignation aroused by the disclosure of the "Sugar Refiners' Trust" a few years ago. Apparently the sugar trust operated to enhance the price of the product controlled by it, and thus afforded a more tangible basis of denunciation than sometimes exists in these cases. For in some cases, at least, it must be confessed that the monopoly of services and products has been followed by a constant improvement in quality and a steady lowering of prices to the public. This has been the case with illuminating oil in the hands of the Standard Oil Co.,

whose control over that and kindred products is nearly exclusive, and which is generally recognized as one of the most conspicuous examples of commercial monopoly. The progress of this gigantic organization towards its present position of supremacy involved the ruthless slaughter of all competitors. The various independent refining establishments which finally succumbed to the Standard were, however, comparatively few in number, and those engaged in the struggle for their continued existence lacked the numerical strength to impress their grievances very forcibly upon the public mind.

The production of "dressed meats" depends for success upon an immense and concentrated capital, and under these conditions the business is in fact conducted. It is in the hands of a very limited number of individuals, and there is no doubt that, with the processes and facilities at their command, they can supply fresh meat to consumers cheaper than it can be supplied under the usual methods of production. Their establishments are confined to a few central points accessible to the principal cattle-raising districts, and enjoying ample facilities for the speedy and safe transportation of their product to the markets of the country far and near. The manifest tendency of the situation is towards a monopoly of the function of converting the raw material into the finished food product. The original producers and the ultimate consumers can only meet through the medium of this exclusive intermediary, controlling the sole avenue of access between them. The situation of producers and consumers is like the upper and lower bulbs of an hour-glass, and the dressed meat monopoly represents the narrow neck through which the sand must pass in its progress between the bulbs. The slightest obstruction in this narrow passage means excess on one side of it and deficiency on the other. Dropping the simile, it is evident that the dressed meat producers have dangerous powers, on the one hand to depress the price of the live cattle which they buy, and on the other to raise the price of the finished food product which they sell.

Such a state of things, which reduces vast numbers to a condition of dependence on a very few, cannot fail to excite apprehension and discontent.

Popular denunciation of "monopolies" and the vague but irrepressible dread with which the masses regard the enterprises of associated wealth, are often met and sought to be allayed by the assertion, which statistics frequently sustain, that every step towards industrial centralization has resulted in cheapening to the public the product or the service which is the subject of the monopoly.

That this is in some cases true is beyond question; yet it is but half the truth. The other half consists in the fact that the cost of production to the producer, and the cost of service to him who renders it, are by virtue of the monopoly enjoyed by them, cheapened in far greater ratio than are the prices of the products or the services to those who purchase or employ them. Hence, while the actual condition of all classes may be improved, their relative condition becomes far more unequal. And it is a fact never to be lost sight of, that the conception of the terms "good" and "bad" as applied to social conditions, is always relative, never absolute. It may well admit of question, whether the gross inequality of different industrial classes, resulting from highly differentiated industrial conditions, does not often outweigh as a social evil the general benefits conferred by the existence of those conditions.

Competition may be no less essential as a principle of limitation upon private fortunes than as a safeguard against extortion. The actual prices of the product of a monopolized industry may be less than those prevailing where the same industry is carried on under competitive conditions. Yet these conditions tend strongly to prevent the amassment in a few hands of vast proportions of the entire wealth of the community, and the creation of glaring and dangerous inequalities between its component members.

There are, however, certain functions of the highest public consequence, which can be so much better performed

under exclusive than under competitive conditions, that the latter, if they ever prevail at all, are soon eliminated, and monopoly holds full sway. In some instances the government has itself assumed or been intrusted with the discharge of this class of functions, and private parties are strictly excluded from participating in them. The mail service of the country is in point. If left to private enterprise and competition, doubtless the price of the service would be much less in densely populated commercial communities than even it is now, but in sparsely settled regions the price would be practically prohibitory of communication by mail. Under government monopoly all sections are equalized. The principle of the service is to this extent communistic, but its general results are admirable. The building of highways for transportation has always been regarded as a public function, though in the matter of railroad building in the United States, the function is usually delegated by the states to corporations.

It is, however, a well-known fact that the original conception of the railroad was (by analogy to the turnpike) that of a highway open for the use of all carriers upon equal terms. That every railroad company has now become practically the exclusive carrier over its own line is due perhaps more to economic than to physical causes. The bulk of the traffic is unquestionably carried cheaper under exclusive, than it would be under competitive conditions.

Of course, where private monopoly of any industrial function prevails, its object will be to extract from the public the largest possible net gains for its products or services. This does not necessarily mean that the highest possible prices are charged. High prices very often defeat their object and diminish profits by driving off patronage. Still the cost to the public is apt to be more than is necessary to secure to the owners of the monopoly a reasonable net return upon capital invested. Under these circumstances, there is a growing disposition in the public to assume to itself (by delegation to government) some functions which, for their



proper discharge, must necessarily be of an exclusive nature.

This disposition is most often manifested in municipal ownership of water works and gas or electric plants for the supply of the city with water and light. The success of governmental discharge of a few industrial functions has suggested to many the still further extension of the government's sphere of industrial action. A large and increasing number of conservative persons who would indignantly resent the imputation to themselves of a spirit of socialism, are convinced of the necessity—not of absolute public control, perhaps—but of stringent public regulation of many industries. And it is in this direction that the solution of the problem of industrial monopoly seems likely to be attempted. The limits of this article forbid any explanation of the methods of public regulation of industries or any reference to the attempts toward public intervention between employers and employees which have been, or are likely to be, made.

In conclusion, it may be said that the further extension of the principle of governmental regulation of private business in the United States, where practically unlimited manhood suffrage prevails, will in all probability be attended with serious dangers and evils ; but that it will be resorted to as an attempted remedy for the existing evils of private monopoly is hardly to be doubted.

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## THE STUDY OF THE SCIENCE OF MUNICIPAL GOVERNMENT.

As was well said by Professor Thorpe in a recent article,\* "It is one labor to lay down the principles of representative government, it is another labor to administer these principles." The people of the United States may fairly claim to have accomplished the first of these tasks with credit; they are now struggling with the second, and are just beginning to realize its magnitude. In the century of their national existence they have firmly established the scheme or framework of their government, but in the meanwhile social conditions have been undergoing radical changes. The inventions of modern science have broken down local barriers and destroyed to a large extent local independence. The control of accumulated capital by corporations has introduced a dangerous force into the operations of trade and commerce, and the phenomenal increase of large cities has introduced an equally dangerous factor into the domain of politics. The ordinary administrative machinery of the government, constructed for a less complex condition of society, is proving inadequate. A more scientific construction and a more systematic operation is imperative. This is the great problem of the day for the states as distinguished from the federal government. Every constitutional convention that meets (and they are only too frequent) is occupied, not with the discussion of principles of government, but with the attempt to remedy defects of administration. The efforts in this direction have been often crude and unscientific, but they serve to show that the subject is forcing itself upon the public attention.

\* "Recent Constitution Making in the United States." *Annals of the Am. Academy of Polit. and Social Science.* September, 1891.

Among these problems of administration, one of the most, if not the most important, is the problem of the economical and successful government of cities. The tendency of the age is toward city life. Already a large and constantly increasing proportion of our population live in cities. Few realize how great an effect this necessarily has upon the administration of the powers of government. The inhabitants of a city need, if I may use the expression, more government than the inhabitants of the rural districts. Both classes alike look to the state for protection in the rights guaranteed to them by the organic law of the Constitution; the undisturbed enjoyment of personal liberty and private property; the free exercise of speech and religion; the impartial administration of justice by the courts, and the right to administer certain local affairs. But with regard to the dense masses of population in large towns, the state is called upon to perform, in addition, other numerous and difficult duties. It must, either directly or through grants of public franchises, supply the citizens with water and light, must provide for the removal of their waste, must secure their safe and rapid transportation, must look after their health and safety by suitable regulations, and must protect them by a disciplined army of police.

The performance of these various functions requires the collection and expenditure of vast sums of money, the construction of enormous engineering works, the training and supervision of an immense number of employes. Scientific knowledge, skilled labor, systematic organization are all necessary for the conduct of the various municipal departments. The scale on which such operations are conducted, increases both the danger and consequences of a mistake. Inefficient sanitary regulations may cause a sudden epidemic, or what is perhaps worse, a gradual but steady increase of the death rate. Unskillful engineering may cause a water famine, or send the germs of disease into every household. Inadequate transportation facilities or unwise building laws may check the growth of the city or crowd its poorer inhabi-

tants into tenements. Improper harbor regulations may drive commerce from its doors. Ignorant or dishonest financiering may bankrupt its treasury. In brief, the happiness and prosperity of that large portion of the population which lives in cities are directly dependent upon the administration by the government of functions which require very thorough scientific knowledge and very great scientific skill. I use the word "scientific" advisedly. Municipal government is a science by itself. As has been already pointed out, it involves the construction and maintenance of engineering and manufacturing works and the transaction of financial operations upon an immense scale, and this work is to be done, not under the ordinary conditions of business, but with due regard to various political and economic questions, which complicate the problem and add to its difficulty. The probable growth of the city, the social conditions which may affect its future needs, the probability of constant changes in its administrative force, the necessity for a scientific organization of the work which will enable it to be carried on with some uniformity in spite of such changes, the equitable distribution of expenses among the citizens themselves and between the present and future generations; all these are considerations which enter into the problem of municipal government and render its operation a science, involving, indeed, many branches of scientific knowledge, but possessing an individuality distinct from all of them. To understand and to apply this science requires a thorough knowledge, obtained by a careful study of past and existing facts; an investigation of previous experiments, with their results; a comparison of observations, and the working out of rules of general application. This would seem almost self-evident, yet there has been in the past a general tendency to ignore this truth and to assume that all our difficulties of administration come from dishonesty in our officials. Year after year we spend a large part of our energy, and some of our substance in the vain attempt to elect first-class men by means of second-class political machinery, and when occa-

sionally we succeed we flatter ourselves that we have solved the problem of municipal government, as if all its principles were so simple and so well understood that any man of ordinary business sagacity could administer them if only he were honest. The absurdity of this is apparent, if we consider for a moment the character of the problems which our city officials must solve. Shall the city manufacture its own gas and electricity, or allow the work to be done by private corporations under proper regulations? Shall the water supply be taken from a source near at hand, or remote? Shall the water be filtered? Shall the waste of the city be burned or conveyed away in sewers? If the latter, what sewerage system shall be adopted? Shall the city exercise control over all transportation lines within its limits; if so, what methods of transportation shall be adopted and under what restrictions? How shall the city be paved? How shall the cost of public works be assessed and collected? Shall the public moneys be kept in the city's own care, or shall they be deposited in private banks; and if the latter, what interest shall be paid? Shall the city do its work by contract or day's labor? How can the city's employes be so organized and supervised that careless or dishonest work can be at once detected. These are but a few of the difficult and complicated questions which are forcing themselves at the present time upon all our American municipalities. These are not questions which can be answered by any honest man of ordinary business experience and capacity. For their solution scientific knowledge is quite as requisite as honesty. It is time that we realized that many of the difficulties and mistakes of administration are due as much to ignorance as to corruption; as much to unskilful and unscientific measures as to dishonest ones. That honesty in officials is essential to good government no one will deny; but it is also true that skill and knowledge are quite as essential, and that an ignorant and untrained official at the head of a municipal department may work as much injury as a dishonest one. There is also another consideration which must not be over-

looked in dealing with this subject. A scientific organization of departments will, to a very large extent, increase the morality as well as the efficiency of the employes. Although the analogy is not quite perfect, the civil service of a community is not unlike an army. The average man has a reasonable amount of courage and no more. An army recruited from the general mass of citizens may, by lax discipline and want of organization, be turned into a mob that will run panic-stricken at the first fire, or it may be so carefully disciplined and so thoroughly organized that it will face the enemy without flinching. So with the civil force; lack of discipline, absence of supervision, loose methods of administration, may offer opportunities to and develop whatever latent dishonesty may exist in the individual officeholder, while on the other hand, a thorough and scientific organization will decrease his temptations and strengthen his moral fibre. Whether, therefore, we view the question as one of expediency merely, or whether we hold with those reformers who decline to consider any question of municipal politics except the elevation of the moral tone of the community, the study of the science of municipal government seems to be of the highest importance.

How is this study to be pursued? The question is easy to ask, but very difficult to answer. There are those who hope at some time to see side by side with that great military establishment at which the nation trains its youth in the science of arms, an equally large and efficient institution for the training of students in the science of administrative government, with a prospect of employment in the civil service of the state, as permanent and honorable as that offered to the graduates of the military academy. When that time arrives we may also hope to see the states and municipalities establishing schools and offering scholarships for the purpose of filling their administrative offices with trained and competent men. Since the preference of our people is undoubtedly to fill the offices of state with men who have fought their way upward without



the aid of wealth or social position, it seems only reasonable that the state should endeavor to open to such men avenues of education in that science in which they can best serve the community. This, however, is as yet but a dream, and one that has no prospect of practical realization in this generation. The science of administrative government cannot yet be studied in public institutions or at public expense.

It is equally clear that, except in a very general way, this study cannot be made part of the curriculum of our colleges. The civil service of the state, unfortunately, does not at present hold out such inducements to college graduates as to justify special courses in this branch of knowledge.

There is but one conclusion. The study of municipal administration must be done, if at all, by intelligent citizens working without other inducement than their own patriotism and the desire to discharge that debt which every man owes to the community in which he lives. Fortunately, there is no lack of such citizens, and there is abundant evidence that the work has already been commenced. Articles are being written on the defects of our present municipal systems, and intelligent observers are reporting interesting municipal experiments abroad. Associations are being formed in various cities, having among their objects the instruction of the public in matters of municipal administration. If this work can be properly systematized, if the associations can do it thoroughly and scientifically and in correspondence with each other, there would seem to be no reason why there should not be a steady advance in the improvement of our municipal governments. An association in each city, with small committees, each investigating some particular branch of municipal work and studying the subject in the light of information gathered both at home and abroad, would be of great assistance to the city officials; and a league of such associations holding annual meetings would increase by co-operation the efficiency of all of them.

This is but applying to the science of municipal government the methods which are in practical use in other

departments of knowledge, and it would turn into useful channels energy which is now, often at least, partially wasted.

In the city of Philadelphia, recently, the community was startled by the discovery of the dishonesty of a public official. The same investigation which disclosed his guilt, disclosed also a looseness of administration of state and city finances which gave opportunity to, if it did not suggest, the crime. Yet, while associations of public spirited citizens exerted strenuous efforts and expended money to secure from both political parties the nomination of an honest successor, none of them seemed to have turned their attention to the intelligent study of our financial system, and a comparison of it with other systems, with a view to making permanent improvements. Of the two, however, there can be no question but that the latter work would be of the most permanent benefit to the city. What we need is, not occasional spasms of public morality which will elect an honest candidate, but intelligent reform of our systems which shall secure uniform efficiency in our administrative machinery.

It is not necessary to discuss the methods to be adopted by associations for the study of municipal government. They will differ with each association. The work would, however, necessarily embrace :

*First.*—The collection and arrangement of literature on the subject, both official and unofficial, from all available sources.

*Second.*—The study of particular branches of municipal work by small committees making periodical reports.

*Third.*—The preparation of plans of improvement in municipal administration and efforts to secure the adoption of these plans.

*Fourth.*—Correspondence with other societies organized for similar purposes.

That this work would be laborious, and that it would involve long, patient and often apparently unproductive

effort, is quite apparent. It cannot be carried on with the enthusiasm and immediate results of a political campaign. But if carried on with reasonable diligence, it would be of lasting benefit to the state.

It is patient study that tells in the long run. In undertaking it, we should remember the truth so well stated by Prof. Fiske, when he says:\* "The amelioration of things will doubtless continue to be effected in the future as it has been effected in the past, not by ambitious schemes of sudden and universal reform (which the sagacious man always suspects, just as he suspects all schemes for returning a fabulously large interest upon investments), but by the gradual and cumulative efforts of innumerable individuals, each doing something to help or instruct those to whom his influence extends. He who makes two clear ideas grow where there was only one hazy one before, is the true benefactor of his species."

To substitute clear ideas of municipal government for the hazy ones now existing is a task worthy the attention of every intelligent citizen.

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\*Preface to "Civil Government in the United States"

### THE POLITICAL ORGANIZATION OF A MODERN MUNICIPALITY, OR LOCAL MUNICIPAL STATE.

If the question were asked, "What is the greatest product of modern civilization?" I should reply, "The National State." This term, which it is necessary one should clearly comprehend in order to realize the significance of the title "The Local Municipal State," has acquired a definite meaning in political science. We may define a nation as an aggregate of persons, the combination of whose physical and mental conditions create a community of interests. This definition is not quite accurate. Its terms would include, besides nations, smaller economic divisions. Those who have a certain definite number of interests which are common are not necessarily a nation. One may have many interests in common with several thousands of his fellow-beings, and other and different interests which he shares with many millions more. In this case the smaller body of persons is not a nation. The nation to which the individual belongs is the widest circle of persons with whom he can be said to have a community of interests. It will be perceived that I use the plural, "interests." I do so advisedly. A single common interest among an indefinite number of people does not make a nation. It is most probably true that each person in existence to-day has one or more interests in common with every other living being. With some, however, he has a greater number of interests in common than with others; while often a large class of persons will hold such relations to each other and to the rest of the world that we cannot look at the advancement of one of the members as a good until we know the effect on the others. When such a close community of interests exists we have a nation.

This renders it almost essential that the territory which they occupy should be contiguous.

A National State results when those in the nation who are sovereign, perceiving this community of interests, recognize laws whose object is the furtherance of national interests. It is at present almost universal for law to have the sanction of some political organization which is known as the government. A government standing for a nation is therefore practically essential to the existence of a National State. But what is more fundamental than government is the recognition of the existence of a community of interests, or of "the nation," on the part of those who are sovereign. By sovereign I do not mean being in official position, but holding such power in the community that what the sovereign recognizes as the law is the law for all. The sovereign power may be in one individual, in a class, or, as in America more than anywhere else in the world, it may reside equally in each citizen. Wherever the sovereignty resides, if we may use the expression, it is necessary, for the creation of a National State, not only that there should exist a community of interests among a large body of people, and that this fact should be perceived by those who hold the sovereign power, but that they should go farther and recognize laws whose object is to advance the common interests of the people as a nation.

Our own ideas of the proper divisions of the civilized world are, comparatively, so clear that we often forget how many generations it took to develop them. For centuries after Rome fell the cosmopolitan idea of the world-state still lingered in men's minds. It was not the advance of a nation, but the subjection of a world under a single ruler which fired the ambition of a Charlemagne and the long line of mediæval emperors. The political and social as well as the religious life of man was to advance under one government. True, it was something more than the memory of the Roman Empire which prevented men from striving for the advancement of nations. Nations themselves, as well as the con-

sciousness of their existence, have been the product of the evolution of civilization. The close community of interests among a large number of persons inhabiting a definite territory, which lies back of the feeling which renders it impossible to look at the progress of one member without considering the effect upon the others, has not always existed. At the downfall of the Roman Empire the northern hordes scattered themselves among the old Latin population. The mental characteristics of each barbaric race was to a certain extent distinct, and all differed radically from the old inhabitants. The individual members of a single tribe or race were often surrounded by different interests. The lines of development common to persons living in a territory, the general physical characteristics of which, having partly produced those traits, are in all probability adapted to their further development, had not yet become distinct. The differentiation of the civilized world into nations is the result of the progress of the civilized world since the Dark Ages.

Now, at the close of the nineteenth century, the existence of nations is a fact; and, furthermore, it is one which may be said, though perhaps not in so many words, to be a fact which is fully appreciated. Except as retained in certain rapidly dying theories of political economy, we have seen the last of cosmopolitan ideas of civilization. We no longer doubt that the civilized world develops by and through the development of its great nations. A German National State, which includes nearly all the German nation, was recognized as an essential means to the further development of civilization in Germany; the unification of Italy was looked upon in the same way. A government, however, which pretended to represent Germans and Italians would be regarded as a political monstrosity. Intuitively we perceive that it would be either German or Italian—it could not represent both. There are no interests which Germans and Italians have in common, in the sense that laws could be passed



which regulated and advanced indifferently the affairs of both as of one people.

Except possibly the French, none so distinctly recognize that they are a nation as ourselves. It took years of the slow development of ideas, and finally the most stubbornly contested war of modern times, but now we can truthfully say that we are one people, not on paper, or because we live under one government, but because we are one in the minds and hearts of our people. Our National State, however, is the result of something more than a sentiment, as our nation is something more than a people under one form of government. Back of all is a distinct realization on the part of the people, who are sovereign, that as individuals they have common interests with all others composing the nation—so much for the National State.

The other great political conception, and the one which we may hope that the twentieth century will see firmly rooted in the minds of the people of our own and other countries, is what we may call, for lack of a better name, "The Local State." The terms, "Home Rule" and "Local Self-government," so popular of late, indicate a growing sentiment on the part of the people that there are common local interests, which one shares with the people of the Locality and with no one else. These interests are not local in the old and bad sense in which the term was once used, to denote the supposed interests of a particular section in national questions; but local in the sense that the questions involved, whether decided one way or the other, affect only a limited number of persons. In other words, not local in the sense that it might be for the advantage of the East to have free raw material, but local in the sense that all the people in a particular city have an interest in its streets being well lighted, but for all that those in other cities care, the inhabitants may use tallow dips. In this sense, local issues and national issues are absolutely distinct, and by no conceivable possibility can they ever conflict.

The fact that, as an individual, each citizen has not only

national interests, but local interests, is one which is beginning to be generally recognized ; but concerning the questions what are strictly local interests, and what is the extent of the Locality, as yet, even among those who have made a study of political science, only the most general and hazy notions are entertained. In this respect, however, our ideas of municipalities or local municipal states, are much further advanced than are those concerning agricultural or mining local states. That a city is a political and economic entity, with definite interests which are purely local to the city, all will admit, though few realize, as I believe all persons will ultimately realize, that one who lives in the mining districts of Pennsylvania, or in the agricultural districts between Philadelphia and Harrisburg, resides in as clearly defined a local state, which has just as definite and purely local interests, as one who lives in a municipality. The local state, like the nation, is the result of a growth and a development. It is only in modern times that cities, as great producing centres, can be said to have existed. The early life of such cities as London and Paris was not distinct from that of the country around them ; while in the country, though different districts favored different industries, transportation was so difficult that each village was almost a complete economic world of its own. These villages, under other conditions, might have been little local states, but down to recent times the wants of the people were so few, that the only local laws which could have been passed were those relative to police. Like the nation, the local state is only developed when the changed conditions of the people result in a large number of common local interests. Perhaps the best general distinction that can be drawn between local and national interests is based upon the fact that the former are seen and felt immediately, while the latter are perceived mediately ; and therefore, by logical reasoning, when our light is not good, our streets badly paved, our drainage faulty, our parks and squares insufficient, or when we have a poor police and fire system, we directly perceive the consequent incon-

venience to ourselves. The result of having a government which does not regard local interests stares us in the face. The lack of municipal convenience, and the discomfort to ourselves as individuals, as cause and effect, follow each other in close sequence. National interests, on the other hand, are those which involve the rise of industries, the struggle of class with class, the effect of the desires of the people on their condition. In the case of these, causes and effects can seldom be directly perceived; they can only be ascertained by investigation.

A necessary element in all progress is that those on whom it depends should see, more or less clearly, the general lines along which development should take place. It is this which renders so valuable the general recognition of the fact that the progress of the world must take place through the separate advance of each nation. It gives a zest, a purpose, and a definite character to national undertakings and improvements. In the same way, before our local affairs can progress satisfactorily, it is essential that the people should realize the fact that they belong to a local state, and that that local state has definite possibilities of improvement. And furthermore, if we are to preserve the existence of states in our Federal Constitutional system, we must have states which are composed of persons who have common local, as distinct from national, interests. There is a strong feeling, that, however poorly the state governments have fulfilled many expectations, they still tend to prevent that disregard of local feeling which would result if there was complete centralization of government. Yet each year the ability of the state governments to supply our needs grows less, while the increasing efficiency of our national government renders it probable that the few remaining duties of the state governments will soon be practically transferred to Washington.\* Nev-

\* On the general subject of our State Government, see the article by Simon N. Patten, Ph.D., entitled "The Decay of State and Local Governments," published in the first number of the *Annals of the American Academy of Political and Social Science*.

ertheless, the feeling that we must have governments to represent local interests of the individual, and that the centralization of all law-making into the hands of one government would be a political catastrophe, is founded on sound principles of political science. There are local interests which need local governments to represent them. A nation which entrusted interests of particular localities to the national government would be as poorly governed as one which left the decision of national questions involving national interests to local governments. It is, therefore, vitally important to us to preserve our states or local governments. We can only do this by practically reconstructing our state lines, though we may not alter a word of our Constitution. Our great cities, and afterwards our agricultural or mining districts, should take the place of the irrationally defined states of to-day. We must realize that a person who lives in Philadelphia and one who lives in Pittsburg have no common interests which are not national, and therefore a government in Harrisburg stands for no community of interests, and is useless. But on the other hand, a government which shall represent all the inhabitants of the city, and have complete control over its local affairs is as essential to the welfare of the citizen as the national government at Washington. It is not that states are unnecessary, for they are essential, but that the geographical lines of our present states make it almost impossible that they should have efficient governments. If any country ever wanted "Home Rule" in the true sense of the term, it is our own. To have it, however, we should have local states to represent local interests, not state governments like our present ones, which are not local, and which certainly cannot be national. It may, indeed, be chimerical to believe that we who are now alive will see the political rise and development of the agricultural and mining local states, even if I am correct in my surmise that a community of local interests in such districts exist, but we certainly have a right to expect that we shall live to see our municipal governments recognizing what in the minds of the people will

have become clear and definite conceptions: namely, the local interests of the city, and the best way to advance those interests.

How then can we aid in the creation of the local municipal state of our own city, and make our municipality a model of progress. States, whether national or local, do not exist on paper, but in the minds of those who hold the sovereign power. It is often said that the conduct of a municipality is a business problem. In an administrative sense this is true, as it is true of all government. But it is also true that the creation of a model municipality is essentially a problem of political education. The people who hold the power must be educated politically. In the city of Philadelphia, for instance, they must know what Philadelphia is, her local interests and her possibilities. The organization of the persons to be educated is essential to all successful and permanent education, and especially to political education. Those who form themselves into committees and attempt to educate politically the rest of their fellow-citizens out of the excess of their own personal merit, show more zeal for good objects than knowledge of how to obtain them. The first thing to recognize in trying to remedy existing evils is the conditions under which we must work. Parties are essential to the success of political movements in the United States. People will not follow a Solomon merely because he advises them to do so, but they can be organized and educated for coöperation in a good cause. Thus, any organization which would make a city a model municipality must be one which will include in it the majority of the citizens. It is the people who must be educated: it is, therefore, the people who must be organized.

Again, since it is essential for the people to be educated politically, the organization must adopt that greatest of all political educators, political action.

The character of this political action will not be difficult to determine. If we suppose that there exists an organization of the people of the municipality, one of its main objects will

be the creation of a city government, which will stand, not for ideas of national policy, but for local interests. It necessarily follows that the political action of our supposed organization will be the election of a city government. To say that its candidates must be its own, and not those who represent ideas of national policy, which, while they do not conflict, have nothing in common with the affairs of the city, would seem unnecessary, had it not heretofore been the practice of those organizations which avowedly stood for the interests of the city, to endeavor by indorsement to obtain the election of some candidate who represented one of our two great national parties. There is a fatal inconsistency in telling a citizen that national and city politics should be distinct, and then asking him to vote for the nominee to a city office of the national party to which he is opposed. As a matter of fact, although defeat in a city of one national party by the other often has little or no effect on the stability of that party in national elections, there may be circumstances in which such a defeat would be peculiarly disastrous. By this I do not wish to be taken as discountenancing independent voting in city politics, but simply to point out the folly of attempting to create a permanent political body whose political action is the indorsement of the nominees of other political bodies, from which the indorsing organization pretends to be distinct. An indorsement by such bodies as the Committee of Fifty of Philadelphia is the effort to elect a particular candidate. With the election their work is done, and they should pass out of existence. Did they do so, it would indicate that their members recognized the self-evident fact that all permanent political organizations must represent ideas and not candidates.

That such organizations as the old Committee of One Hundred, in Philadelphia, accomplished no good, I do not wish for a moment to assert. But too often their good was accomplished, like most Mugwump movements, at a sacrifice on the part of individual members of all earnest conviction on national party questions. As permanent factors in the pro-



gress of our cities such movements have always failed. To-day, as a warning to all those who in the future would seek to take similar municipal political action, we find their traces only in the pessimistic feeling of the ex-members, that parties are a necessary evil. Necessary they are, indeed; but the spirit which regards a mechanism essential for all political action, whether good or bad, as an evil, is not only illogical but exceedingly harmful. By driving all good men out of party and out of politics, it tends to perpetuate the very state of affairs which is deplored.

If we are to have city elections free from national politics, we must get national parties out of city elections. The organization which is to make a municipality progressive, or even hopes to establish itself on a permanent basis, must therefore drive national parties from the sphere of city politics, by electing the men who represent the fundamental ideas of the organization, and not try to perpetuate the existence of such parties in city politics by bribing national party bosses, who owe their existence to the loaves and fishes of city office, to nominate particular candidates.

The first step in the solution of local municipal government in the United States is, therefore, the formation in each city of a city party. Not that those who believe this should come together and call themselves a party. The name is immaterial, but the lines of the organization should be drawn in such a way that it will naturally develop into such a party.

The attitude of the individual towards the possibility of belonging to two political parties, a national and a local party, depends upon the clearness with which he separates, in his own mind, national and local interests; though it is not necessary that every one who would join a municipal party must actually be conscious of this separation. The fact of becoming a member simply indicates that he is willing to try the experiment of working in two parties. Since there are local interests which are distinct from national interests, the very fact of his working in the local party would serve to impress the member with the difference between

the locality and the nation. Once so impressed, all doubts of the feasibility of belonging to two distinct parties would disappear. There is another doubt which will occur to some, and which deserves an answer. It may be asked, Will not the same characteristics of the individual mind which lead one to belong to a particular national party cause him to join the city party which regards local issues from the same point of view? In other words, those who favor an active national government will likewise favor an active city government; while those who prefer a national government which is more or less passive, will also prefer a city government which does as little as possible. If this is so, the uselessness of separate party organizations for city affairs will be admitted. The correct answer to this objection must, I believe, be sought in the consideration of the degree of civilization which has been attained by the people. In the earlier stages of society, when economic conditions were such that man could obtain for himself almost all he desired without the aid of any organization, governmental or otherwise, only two political parties, based on the way in which the individual regarded the functions of government, were possible: namely, those who believed the government should do something, and those who believed that the government should do nothing. But as man's wants increased, all agreed that governments should do something more than maintain order in the country. Parties then begin to divide on the question of what government shall do. It becomes not only a possible, but a common occurrence, that one who believes in a city government maintaining hospitals, libraries, and all sorts of mechanical and industrial schools, may be very violently opposed to the national government seeking to regulate the price of commodities or the wages of labor. In fact, in many instances the very belief in the value of the work of the local government would lead one to doubt the value of an active national government. History affords us many examples of this. The separation of ideas renders it possible for the individual

to view from entirely different standpoints questions which at one time would have been looked at from the same point of view. The nineteenth century in our country has seen the complete separation of religious and political ideas. At one time a man who was conservative in religion was conservative in his politics as a matter of course. In England, to be a Radical was once considered equivalent to caring little for religion. The last few decades have brought with them a complete change. It is now no uncommon occurrence to find one who belongs to the most conservative of churches constantly adopting new ideas in national politics. This is the result of the complete separation of the religious, from the political and economic thought of the individual; and I believe that in the same way, when we have as complete a separation of our feelings towards local and national affairs, the same individual will regard national and local interests from a radically different point of view. It is needless to say that the separation of ideas I am speaking of involves no lack of interest either in religion or politics. In fact, a man who separates national from local questions, like one who separates religion from politics, is apt to take a more earnest and intelligent interest in both.

The problem of the government of our large cities is the most serious feature in our political development. No one of ordinary intelligence needs to be told that the men in city offices often fall far below the average intelligence and honesty of the people, and that the result in paving, in lighting, in education, and all other functions of a city government is so bad, that, as Americans, we should be heartily ashamed of it. The pollution of our city politics unavoidably contaminates the best members of our national parties, because it forces all who enter politics to associate with men who join the national party, not from any deep-seated conviction of the importance of its national policy to the country, but from the desire to participate in the plunder of some city office. And yet, as I have tried to point out,

if we would remedy this state of affairs, so threatening to the welfare of our country, we must strive for something more than a change of candidates: we must have a revolution of ideas.

Let us recognize that the cause of the corruption in our politics, and the poor administration in local affairs, is not the lack of moral sense on the part of the community, or the want of capacity for government, but in what we call our political mechanism. The parties' spoils system makes it possible for one to gather around him "workers," who labor, not for the love of country or honorable ambition, but for the hope of office. In the same way a city official is usually elected and retained in the city office, not because the city has been well governed, but because he pretends to represent in city politics certain national issues. When, however, we make a distinction between the things which are local and those which are national, the main cause of maladministration in our local affairs will disappear, and we shall hear no more of the nonsense which prates of failure of democratic institutions in large cities. It is not our institutions, but the mechanism through which the individual citizen is educated in political ideas, which is at fault. Our states, which constitutionally should represent local interests, are so geographically distributed that it is impossible for them to do so, and our political parties, being only able to divide on national issues, are not held responsible for bad local administration.

Our conclusion is, that those who would benefit their country and the local state in which they live, must strike at the cause which enables men to succeed who enter politics to obtain office, by educating the people of their locality to a realization of the fact that the city has its local interests, which can only be permanently advanced by a government which will stand on its own merits, and not on the prestige of a national policy which it is falsely supposed to represent.

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## INTERNATIONAL ARBITRATION.

Apropos of such disturbances of the national equanimity as the New Orleans lynching affair or the Behring Sea difficulty occasioned, the subject of international relations becomes one of sudden and special interest to the general public. Of all the multitudinous problems that confront the present generation the war problem has been, perhaps, the slowest to awaken popular feeling to anything like rebellion against warfare and its consequences.

The speculations of theorists have been confined in their influence to very narrow circles; and the possibility of the abolition of war and of the downfall of the standing army has scarcely dawned upon the world at large.

The experiences of recent years, however, have here and there afforded opportunities for theories of peaceful arbitration to be put to the test of practice; and the time cannot be far distant when public opinion will be called upon to declare the final verdict of success or failure for international arbitration as a working system.

I have spoken of arbitration as if it were a modern institution. By this I do not mean to imply that the custom of referring disputed questions to a disinterested judge—and this may be taken as a loose definition of arbitration—was unheard of before this century. It is not an innovation of recent date, nor is it to be regarded purely as an outgrowth of advanced civilization. But, even granting that the scheme of settling international quarrels by rational means instead of by force may be, to a certain extent, indebted for its conception to precedents in antiquity, international arbitration as a system, as a proposed substitute for war, is an experiment of the present age.

As it is understood to-day, international arbitration is limited in meaning, implying: (1) the participation of

sovereign states of acknowledged independence and autonomy; (2) a formal agreement on the part of the litigants to submit their difficulties to the decision of an arbitrating body or individual; (3) the consent of the latter to undertake such decision and to render an award after a thorough and impartial examination of the facts of the case; (4) an agreement on the part of the contracting parties to accept the decision as final and conclusive.\*

Before passing to the application of pacific principles to international relations in the present century, it may be well to review briefly the changes which the last nineteen hundred years have witnessed in the attitude of civilized nations towards war, and which have resulted in the definite formulation of the institution defined above.

The Christian religion, as taught and practiced by its founder and His disciples, placed especial emphasis on the principles of brotherly love, forbearance, forgiveness of enemies, and peace and good-will towards all men—theories of life and of human intercourse quite strange to the civilizations of the pre-Christian era. All the records of the early Church which have come down to us of the first two centuries of its existence would seem to show that the inconsistency of warfare with the tenets of the new religion had made a strong impression upon the sect. There is a saying current among the early Fathers that Jesus, in disarming Peter, disarmed all soldiers; and it is a remarkable fact that so large a number of Christians refused to serve in the armies of Rome.

It is to be remembered, however, that comparatively few individuals experienced anything like "conversion" in the sense of a readjustment of themselves to a new standard of life and thought. When whole armies were converted *en masse*, as in the days of Clovis, there seems to have been no question of exchanging their arms for the weapons of spiritual warfare. It was the Church as an organization that,

\* It is this last feature that distinguishes arbitration from mediation, in which adherence to the decision is optional.



throughout the Middle Ages, uttered the sole remonstrance against the practice of private war. When, in France, the atrocities of feudal warfare became so great as to threaten the very foundations of society, it was the Church that came to the rescue with the "Peace of God;" and five years later, the "Truce of God," by which fighting was forbidden from Thursday morning to Monday morning of every week, on all feast-days and in Lent, leaving, practically, about eighty days in the year when war was allowable. Though often violated, the effect of this regulation was felt throughout Europe and was productive of infinite good in softening the manners of the age. The early Church and the institution of chivalry were the educators of the public conscience in the direction of humane and conciliatory action.

During the eleventh and twelfth centuries numerous associations were formed which were the prototypes, on a small scale, of modern Peace Societies. There was not as yet, however, any conception of international peace—the word international could hardly have had any meaning. By the time that the spirit of nationality had begun to assert itself, *i. e.* when there had begun to be a distinct differentiation of the several small nations of Europe in respect to language, institutions and political interests, schemes of universal peace and of a united Christian state had become dreams of the past. The Church was in despair, though still zealous for peace.

To the Pope, the head of the Church, the world looked for judgment in political quarrels. Although the sacredness of their high position would seem to have peculiarly fitted them for the position of universal arbiters, the Popes lacked one indispensable qualification of an umpire—impartiality. Nor were the temporal heads of Christendom—the theoretical "*imperatores pacifici*"—more successful. Never in any real sense did the Holy Roman Emperors occupy their ideal position as international dictators.

Mediæval methods of grappling with the war-problem ended, then, in practical failure; and the cause of universal

peace was forgotten in the horrors of the Inquisition and the blood-thirsty wars of the Reformation. The conception of Henry IV, of France, of a grand Christian Republic of fifteen states, and his scheme of international arbitration were too far in advance of his time not to have been regarded either as the dreams of a visionary fanatic or as a subtle attempt at the aggrandizement of France. More valuable and far more important was the work of Hugo Grotius, who, while a guest at Henry's Court, received the inspiration to his great work, "*De Jure Belli ac Pacis*," in which he laid the foundation of a system of international law.

Here it will be observed that the character of the peace movement has changed. It is no longer religious, but political, in its aims. Efforts towards reconciliation no longer originate with the Church, but with monarchs and statesmen; they take the form, in general, of alliances of the great powers of Europe for the purpose of preserving peace among themselves, and thus, by the latent strength of unity and numbers, preventing the possibility of attack by ambitious and grasping rivals. Experience showed the delusiveness of such a theory.

The magnificent promises of the "balance-of-power" system failed of accomplishment. Instead, war after war was waged in the name of the general security.

The opening of the nineteenth century brought with it a return to the religious point of view, and to the primitive notion that Christianity is the basis of all international law. Europe entered upon the century worn out with conflict and in desperate need of peace. Russia, Austria and Prussia accordingly, in 1815, formed what is known as the Holy Alliance, agreeing by a sacred compact to respect the great principles of right and justice, and to repress violence—promises which fell far short of fulfillment.

In 1818, at the Conference held at Aix-la-Chapelle, the four nations that had conquered Napoleon, joined later by France, formed themselves into the Great Pentarchy, in the interests of permanent peace. The dangerous principle

of intervention was unanimously recognized, and the outcome was the Congresses of Troppau, Laybach and Verona.

The Holy Alliance forms a link between the peace policy of the past and that of the present. The unsatisfactory results of the Grand Alliance dealt the death-blow to the theory of the balance of power as an efficient and practicable system. Henceforth all efforts toward amicable adjustment of international affairs are to be based upon other principles.

The work of the nineteenth century in view of this end takes on three forms :

1. The organization and work of peace conferences and associations for the promotion of arbitration.
2. Legislation favoring arbitration.
3. The practical application of the principle.

Peace societies began to be established early in the century, the first having been organized in New York in 1815. Six months later the London Peace Society was formed. Similar organizations sprang up all over Europe. Their object was to unite all the advocates of peace for concerted action.

Conferences have been held from time to time at London, Brussels, Geneva, Paris, and elsewhere, for the interchange of sympathy and the discussion of plans.

About 1873, efforts were made to bring the subject of arbitration before the legislative bodies of the different countries. A motion of the late Mr. Henry Richard passed the House of Commons, in 1873, proposing that England should communicate with foreign powers with a view to the improvement of international law and the establishment of a permanent system of arbitration.

Signor Mancini presented a similar resolution to the Italian Parliament in the same year. From time to time petitions and memorials have been presented to the various governments of Europe and the Americas. Work of this character is necessarily slow and cautious, working, like leaven, silently, but effectively.

More attractive to the practical observer is the record of actual cases of settlement by arbitration during the present

century. Their number is surprising. I have carefully examined the records of seventy-five cases and there are a half dozen more of which I have hitherto been unable to find more than a statement of the dates and participants.\*

The questions which have proved susceptible of arbitration fall under five main heads:

1. Boundary disputes.
2. Unlawful seizure of vessels or other property.
3. Claims for damage by the destruction of life or property.
4. Disputed possession of territory.
5. The interpretation of treaties.

More than one-third of the cases have related to claims for damages presented, usually, by one government in behalf of certain of its citizens resident in the country of the offending government. Such questions, although occasionally of such a character as to lead to heated controversy and menacing dispatches, have been for the most part, amicably settled to the satisfaction of all parties.

In sixteen cases boundary lines have been the subject of dispute. The instances of misinterpretation of treaty stipulations have usually referred to boundaries. Questions of this nature are particularly adapted to handling by commissions, provided such bodies are properly constituted and authoritative.

Eleven cases of unlawful seizure and five controversies over territorial possession have been successfully arbitrated. One or two minor cases relate to consular rights and disputed sovereignty.

The rate of increase in the application of arbitration may be seen from the following table:

From	1794	to	1820	. . . . .	5 cases.
"	1820	"	1830	. . . . .	3 "
"	1830	"	1840	. . . . .	5 "
"	1840	"	1850	. . . . .	4 "
"	1850	"	1860	. . . . .	10 "
"	1860	"	1870	. . . . .	15 "
"	1870	"	1880	. . . . .	16 "
"	1880	"	1890	. . . . .	21 "
Total . . . . .					79

\* For cases of arbitration between the United States and other governments, see Appendix.

This list does not include the Danubian Commission, established in 1856, the Berlin Congress of 1878 (to settle claims of States in the Balkan Peninsula), nor the Joint Commission on the Fisheries question that met at Washington in 1888 and recommended the submission of future disputes on that question to a mixed commission and an umpire.

The most noteworthy cases of arbitration are two or three of special character, which hardly come under the five heads mentioned above.

The first is the Luxembourg question, which was settled in 1867. The jealousy manifested by France towards Prussia during the peace negotiations which terminated the Austro-Prussian war found expression in Napoleon's demands for territorial recompense to reconcile France to the changes in Europe effected by the Peace of Prague. Prussia was now in possession of military strength equal to that of France herself; and her recent exploits and successes were looked upon by France as the precursors of efforts towards self-aggrandizement. Napoleon's eye fell upon the Grand Duchy of Luxembourg, which was under the sovereignty of the King of Holland, but a member of the German Confederation until the dissolution of the latter in 1866. The fortress of Luxembourg was still occupied by Prussian troops. The negotiations begun by Napoleon with the King of Holland for the annexation of the duchy to France failed on account of the objection of Prussia. Whereupon France demanded the evacuation of the fortress by Prussia. A warm dispute ensued, and, as the excitement spread through Europe, the outbreak of a war seemed inevitable. The Queen of England, however, offered her services as arbitrator, in accordance with Article VII of the Treaty of Paris, 1856.

It was finally agreed that the question be settled by a conference of the great powers of Europe. This conference met at London, May, 11, 1867, and decided that the fortress should be dismantled and its neutrality guaranteed by the

signatories of the Treaty of Paris. The duchy became the property of the House of Orange. War was averted for three years only: the jealousy of France found its outlet in the Franco-Prussian war.

A rebellion of the island of Crete (then under the rule of the Turks) occurring in the same year resulted in an uninterrupted struggle of two years. The great Powers of Europe pursued, for the most part, a policy of non-intervention. But Greece manifested a friendly interest in her neighbor's welfare, and some sympathy with the cause of the oppressed Cretans. Incensed at what was deemed the instigation of Turkish subjects to revolt, the Porte launched at Greece an ultimatum charging her with aiding and abetting the rebellion. The Greek Minister replied haughtily, and diplomatic relations were broken off. A threatened engagement between a Turkish and a Greek vessel was prevented by the French Minister in Greece, but the incident brought matters to a crisis, and roused the attention of all Europe.

The Prussian Government proposed to France to call a conference of the Powers at London. After much diplomatic correspondence, the plan was adopted, and the conference met January 9, 1869; but it barely escaped disintegration at the outset. Turkey, as a signatory of the Treaty of Paris, was admitted with deliberative powers. Greece claimed the same privilege, but was refused in spite of indignant remonstrance. After several sessions, a declaration was drawn up in favor of Turkey.

This conference has been variously judged, some blaming its members for assuming the functions of judges when they had merely been invited to deliberate and advise; others praising with much warmth the work of the conference in averting a war which might have involved all the powers of Europe. Both criticisms are just in part. This much may be safely said: although its results were important, the conference can hardly be held up as the type of a well-managed commission of arbitration.

The circumstances which led to the famous "Alabama"



case are too familiar to need rehearsal here. The apathy of Great Britain towards the depredations of the Confederate cruiser gave great offense to the United States Government, which pronounced England responsible for all these acts and guilty of a breach of neutrality. Diplomatic correspondence became more and more bitter, complicating, rather than clearing up the matter. After four years of wearisome, fruitless negotiation, settlement by a Joint Commission was suggested by Mr. Reverdy-Johnson. The proposition was accepted by the British Minister, but failed to pass the United States Senate. The conditions of the protocol were pronounced insufficient to secure just reparation to the United States. It was probably only the strong aversion of both the litigants to war that prevented an outbreak. When, in 1871, it was finally agreed to submit the vexed question to arbitration, owing to the insufficiency and vagueness of international laws, much time was wasted in the discussion of legal points.

That the temper of two nations so high-spirited as Great Britain and the United States stood the test of a long and irritating negotiation until the vexed question was finally settled is worthy of high commendation. These three arbitrations, involving as they do questions of national honor, are instructive precedents.

It is difficult to analyze the present situation of the world with reference to peace and war. The history-making events of to-day will not be perfectly understood until they have been looked at in perspective. In spite of the progress of arbitration during the last half century, in spite of the mitigation of many of the cruelties of war, Europe bristles with the bayonets of enormous standing armies and seems ever on the verge of a horrible conflict. How are such opposite tendencies to be reconciled? What is to become of the peace movement if Europe continues to cling to her military systems, justifying their enormous expense by the old motto, "*Si vis pacem, para bellum*?"

To venture an opinion one must have carefully studied the

general trend of social evolution. The character of warfare and its causes has greatly changed. The brutal struggle for self-preservation is no more. Wars of conquest belong to the days of Cæsar and Alexander. Wars undertaken for the gratification of personal ambition have been hardly possible since the first Napoleon. With the change from unlimited to constitutional monarchy, the people have too strong a voice to allow a war to be undertaken merely for the aggrandizement of an ambitious monarch—the populace of to-day does not clamor for war, unless under strong provocation.

Broadly speaking, we may infer that wars arising from trivial disputes tend to become less and less frequent. On the other hand, the great underlying causes of strife tend to become fewer, but far more deep-seated, reaching to the very vitals of national life.

The great problem of race individuality is closely interwoven with the war problem. Since the death of Charles the Great, the personality of each of the European nations has developed in lines ever diverging, ever more distinct. To-day, the controversy over Alsace-Lorraine is not merely one of disputed territorial ownership, but a race question—a struggle between the national wills of two powerful races. The eastern question is purely one of race. Says M. De Laveleye: "Nationalities supposed to have been annihilated rise like dead men, aspiring to independent and autonomous life." The spark of national vitality is not easily quenched. Should a war break out to-morrow in Europe, it would be without precedent in history for horrible waste and destruction of life.

Whether war will finally vanish from off the face of the earth no man can tell. It seems probable that conflicts will become fewer and more intense; but not until the deep-lying causes of strife are removed will the evil be banished forever. If this comes to pass, it will be when the onward march of civilization and the spread of Christianity shall have adjusted to their proper places the shifting molecules

of the great race unit and shall have brought them into a state of perfect equilibrium. In the meantime, what is to be the fate of arbitration?

The success of arbitration in the past is due to various causes:—improvement in the condition of international law; increased educational facilities for fostering pacific sentiments in the minds of the people; progress in the art of diplomacy, and, most important of all, the growth of democratic ideas leading to the participation of the people in questions of peace and war.

Fifteen years ago much was said about the establishment of an International Tribunal or of a Court of Arbitration. According to recent reports of the Peace Associations, the present aim of the movement is to persuade the nations to sign arbitration treaties. The resolution adopted by the International Parliamentary Conference, at its recent session in London, reads as follows: "*Resolved*, That as a means of promoting peace and good will between nations, the members urge the conclusion of treaties of arbitration by which, without interference with their independence or autonomy, nations would engage to submit to arbitration the settlement of all differences which might arise between them. But where the conclusion of treaties of arbitration for the present be found difficult of realization, the conference strenuously urges the settlement of disputes by arbitration or mediation."

This proposition apparently meets with more approval than that of an International Tribunal, and would naturally precede the formation of such a body. If arbitration is tried *before* resorting to war, the number of unnecessary and unjustifiable wars will be greatly diminished. Arbitration should be spoken of not as a substitute for war, but as a preventative.

The most serious obstacle to the introduction of international arbitration as a permanent institution has been the indecision of its advocates as to the method of conducting cases. Hitherto, three methods of arbitration have been employed: First, reference to some trustworthy and disinter-

ested individual. This is the least advisable plan of all, for it is usually difficult to find a person who will be satisfactory to the litigants and who will be willing to undertake so delicate a task. Moreover, in the case of disputed boundary lines or claims for indemnity, the labor of investigating records would usually be quite beyond the strength of one man.

The second method, adopted in certain cases, is that of settlement by a conference of diplomats representing the governments concerned. Such a body is unwieldy, and necessitates a large expenditure of time and money for preliminary negotiations.

The most popular and successful plan has been the appointment of a mixed commission, small enough to be easily managed, large enough to work rapidly and systematically, unhampered by diplomatic "red tape." Still, such a commission is temporary—unsuited to a scheme of permanent arbitration. The Halifax Fisheries Commission of 1871 illustrates another objection. The question at issue was to be decided by a commission of arbitration. The clause in the Treaty of Washington admitting the possibility that the choice of umpire of the commission be left to the Austrian Minister at London was very annoying to the United States. The suspicion of unfairness and partiality, whether well founded or not, was the cause of considerable irritation. The final award of the commission was a surprise to the world. By Americans it was considered excessive and exorbitant, and many doubted if it were lawfully and honorably due. The United States promptly paid the money; but as a case of arbitration this was, perhaps, the most unsuccessful on record, and greatly shook the public confidence in the efficacy of that method of adjusting differences.

A permanent mixed tribunal would insure impartiality. Such a scheme would imply the abolition of standing armies or a uniform reduction in their numbers. The question has been raised by doubters, How will such a tribunal be able

to enforce its decisions if the army is banished? Some have suggested that each nation furnish its quota of soldiers to form a kind of international police. Such an institution, however, would seem an inconsistency, if a tribunal aiming to substitute reason and justice for the sword and bayonet be obliged to use force in the execution of its decrees.

There is, apparently, some confusion in the public mind, between an International Court and a permanent Commission of Arbitration. The former should mean a Court of International Law, and, to be effective, should be composed of the most eminent jurists and statesmen of whom the world can boast, men who know the laws of nations as they now exist and who are capable of interpreting and codifying those laws. There is urgent need of a complete and precise code of international law. Much dispute and misunderstanding is the consequence of the imperfection of the present code. "The great end of law is not to decide, but to prevent disputes."

A court of international law would find its authority in the majesty of the law, and the moral support of the nations ought to be a sufficient guarantee for the acceptance of its decrees. Any government which refused to abide by the decisions of so august a body would suffer eternal disgrace in the eyes of the world, to say nothing of the material loss of commercial good-will. The expense of such a court, shared by the participating nations, would be comparatively light.

When a dispute arose the plaintiff would at once carry the case to this great Court of Appeals, which would investigate the said case on a purely legal basis. This would take the place of special arbitration, but should any question not susceptible of legal interpretation arise, a Commission of Arbitration could easily be formed from the panel of the international jury.

There might still remain a few great questions incapable of pacific solution until the moral consciousness of the nations become much more highly developed than they are to-day.

Is there no solution but the standing army? The question is largely economic in character and its discussion would occupy a much larger space than can be spared here.

The peace question is only one of the many tangled problems with which this generation has to deal. It may not be solved by the next generation, nor the next. Whatever is done, the world looks to America for leadership. "Nothing impressed the delegates sent from the United States to the late Peace Congress at Paris more seriously," says the Secretary of the American Peace Society in his annual report, "than the sentiments of various European countries that it is the duty of the Great Republic of the West not only to keep abreast with the world's endeavor to abolish war, but to *lead* the nations in the better way of Universal Peace."

#### APPENDIX.\*

##### LIST OF TREATIES AND CONVENTIONS BETWEEN THE UNITED STATES AND FOREIGN POWERS, WHICH CONTAIN PROVISIONS FOR THE SETTLEMENT OF INTERNATIONAL QUESTIONS BY ARBITRATION.

1. 1794, November 19.—Great Britain and United States. (1) Question of Northeastern boundary line of United States; (2) Claims growing out of the Revolutionary War. Settled by Commission of Arbitration.
2. 1803, April 30.—France and United States. Claims connected with cession of Louisiana. C. of A.†
3. 1814.—Great Britain and United States. Treaty of Ghent provided for settlement of claims to certain islands; also North-west boundary. C. of A.
4. 1818.—December 21. Spain and United States. Indemnification for damages.
5. 1819.—February 22. Spain and United States. Claims for damages. C. of A.

\* The authorities for this list are :

- (1.) "Treaties and Conventions of United States."
- (2.) "Foreign Relations of United States."
- (3.) "British and Foreign State Papers."

† Abbreviation for Commission of Arbitration.



6. 1818.— } Great Britain and United States. Convention signed Oc-  
1822.— } tober 20, 1818, to refer dispute about restoration of  
territories, private property, archives, etc., to Emperor of Russia.  
Award rendered in 1822. New Convention provides for Com-  
mission of Arbitration to determine valuation of property (slaves).
7. 1827.—North-east boundary not having been yet settled, Conven-  
tion signed to refer question to King of Netherlands.
8. 1830.—June 5. Denmark and United States. Claims of citizens  
relating to damages and unlawful seizures. C. of A.
9. 1832.—United States and the Two Sicilies. Claims for indemni-  
fication. C. of A.
10. 1834.—United States and Spain. Decision of claims to be left to  
Plenipotentiaries of the two governments.
11. 1839.—United States and Mexico. Claims of United States citizens  
against government of Mexico. C. of A. In case of disagree-  
ment of the Commissioners, the King of Prussia to be invited to  
arbitrate in person or provide a substitute.
12. 1841.—United States and Peru. Claims of United States citizens  
against Peru. C. of A.
13. 1846.—June 15. United States and Great Britain. Dispute regard-  
ing boundary-line west of Rocky Mountains, referred to James  
Buchanan and the Rt. Hon. Richard Parkenham, "negotiators,  
with full power."
14. 1850.—United States and Brazil. Questions arising from long-  
pending claims, to be settled by a commission of two.
15. 1851.—United States and Portugal. Claims of United States  
citizens, to be referred to Daniel Webster and J. C. de Figanière  
è Morao, Plenipotentiaries. Questions of public law involved  
in case of the privateer brig "Gen. Armstrong," to be referred  
to arbitration of Louis Napoleon.
16. 1853.—United States and Great Britain. Old claims of citizens of  
United States and of Great Britain. C. of A.
17. 1855.—United States and Great Britain. Question relating to  
Darien Ship Canal. [Correspondence relating to the arbitration  
of this question is to be found in "British and Foreign State  
Papers" for 1855-56. I have been unable to ascertain whether  
the arbitration actually took place.]
18. 1857.—United States and New Granada. Claims of United States  
citizens for damages sustained in Panama riot of 1856.
19. 1858.—United States and Chili. "Macedonian claims," submitted  
to decision of King of the Belgians.
20. 1859.—United States and Paraguay. Claims of United States  
citizens. C. of A.

21. 1860. United States and Costa Rica. Claims of United States citizens. C. of A.
22. 1861.—United States and Venezuela. Claims of certain firms in the United States, referred to United States Minister at Venezuela and Secretary of State of Venezuela.
23. 1862.—United States and Ecuador. Claims of United States citizens. C. of A.
24. 1862.—Article I of Annex B to Treaty between United States and Great Britain for the suppression of African Slave Trade contains a clause providing for reference of all cases of capture or destruction of vessels to arbitration.
25. 1863.—United States and Peru. Claims relating to ships "Lizzie Thomson" and "Georgiana," to be arbitrated by King of the Belgians.
26. 1863.—United States and Great Britain. Claims of Hudson's Bay and Puget Sound Agricultural Companies, referred to C. of A. Award not rendered till September 10, 1869.
27. 1866.—United States and Venezuela. Pending claims. C. of A.
28. 1868.—United States and Mexico. Claims since 1814. C. of A.
29. 1868.—United States and Peru. Arbitration of claims since 1863.
30. 1869.—United States and Peru. I find doubtful references to some question, apparently other than the above (29), submitted to the arbitration of King of the Belgians.
31. 1870.—United States and Brazil. Case mentioned in a "Memorial" presented to Congress in 1888. Not found in "Treaties and Conventions of United States."
32. 1871.—February 11th. United States and Spain. The "Cuba claims." C. of A.
33. 1871.—United States and Great Britain. "Alabama" claims. Geneva Arbitration.
34. 1871.—May 8. United States and Great Britain. Sundry claims of citizens, corporations, etc., during years 1861-65, submitted to arbitration.
35. 1871.—United States and Great Britain. Nova Scotia Fisheries. C. of A. Dispute about fishing rights and about amount of compensation, if any, due to Great Britain from United States.
36. 1872.—October 21. United States and Great Britain. Boundary question, known as the San Juan dispute; referred to Emperor of Germany.
37. 1879.—United States and Spain. All claims since October 1, 1868, not yet settled, to be presented within sixty days to a Commission of Arbitration.
38. 1880.—United States and France. Claims of citizens for acts

- committed during war of France with Mexico or during the Insurrection of the Commune in 1870-71. C. of A.
39. 1884.—The United States, France, Great Britain, Germany, Spain and Italy made an agreement for the adjustment of claims of citizens of those countries for losses sustained during the riots of 1883, September 22 and 23, at Port au Prince. [Foreign Relations of United States for 1884, page 302.]
  40. 1885.—United States and Spain. Agreement to submit claims of bark "Masonic," illegally seized by authorities at Manilla, 1879, to arbitration, in order to fix amount of indemnity.
  41. 1888.—December 6. United States and Denmark. Claims of Carlos Butterfield & Co. for attack on their vessels by Danish officials, to be settled by the British Ambassador at Athens.
  42. 1889.—June 4. United States and Venezuela. Provision for claims under Treaty of April 25, 1886.
  43. 1889.—United States, Great Britain and Germany. The Samoan difficulty.

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## JURISPRUDENCE IN AMERICAN UNIVERSITIES.

It is a matter of surprise that so little has been done by American universities in the way of affording instruction in jurisprudence. Some of the universities, indeed, that have schools of law, offer brief courses in general and comparative jurisprudence, and all such necessarily have full courses in the technical branches of English and American municipal law. Most universities of the higher rank have a moderate amount of instruction in international and constitutional law, and a few offer very superior advantages in these respects. In most of the best schools of history and political science administrative law receives a fair share of attention. Roman law is also offered in many of the leading universities. But in no institution in the country is there anything corresponding to the complete and systematic teaching of jurisprudence such as one sees at Oxford and Cambridge, and at Berlin, Heidelberg, Leipzig, and in some degree at all of the German universities.

Of the work of our law schools in preparing students for the bar, it is not my purpose to speak. Sir Frederick Pollock has very recently declared that, "For the present the only way of seeing for oneself that English law can be taught in a systematic and efficient manner, as well as other branches of learning, is to go and see it in America." This is high praise, perhaps only too high. Certainly, the recent report of the Committee on Legal Education of the American Bar Association takes a more modest and less flattering view of the condition of law schools in this country, and strongly urges the adoption of some more systematic method of legal instruction. In the first place, it appears that only about one-fifth of those who are admitted to the bar pass through the law schools. In the next place, the committee complain that too much of the teaching in the law schools

is purely empirical, and consists in the conning of rules and the framing of formulas. Into the justice or injustice of these foreign and domestic opinions, it is now unnecessary to enter. The fact cannot be blinked that, for the most part, the law schools are intended to serve only the interests of the legal profession, and therefore form no part of the general university instruction.

On the importance of a study of jurisprudence to all students of political science, history, ethics, religion, and, perhaps I may add, literature, it would seem to be unnecessary to enlarge. The history of law and the history of political institutions are so indissolubly united, that the one cannot be understood without the aid of the other. Sir Henry Maine and Professor Stubbs have sufficiently proved this fact in their respective fields of research. In the early stages of society, religion, ethics and law can with difficulty be separated. The lawyer and the priest are one, and that one is, moreover, a poet. All early literature is the literature of this law-giving poet-priest. Indeed, Teuffel and Sir Henry Maine, approaching the subject from the two opposite sides of the critic and the jurist, agree in the conclusion that the only literature of the Romans which can lay claim to any originality, or which is in any sense characteristically Roman, is their legal literature. So closely, then, does law touch every human interest that we may almost agree with Professor Pomeroy that, "it is, in short, the summing up of almost all knowledge not strictly physical."

Nor has it escaped notice that there is a striking parallel between the historical method of studying institutions and of investigating nature. One eminent writer has said: "The doctrine of evolution is nothing else than the historical method applied to the facts of nature; the historical method is nothing else than the doctrine of evolution applied to human societies and institutions. When Charles Darwin created the philosophy of natural history \* \* \* he was working in the same spirit and towards the same ends as the great publicists who, heeding his field of labor as little as

he heeded theirs, had laid in the patient study of historical fact the bases of a solid and rational philosophy of politics and law." It is, perhaps, more than a coincidence that Charles Darwin and Sir Henry Maine should, within the brief space of two years, have given to the world two such books as the "Origin of Species" and "Ancient Law," both of which mark an epoch in the history of human thought. Any system of education that does not take account of both is outside the full current of intellectual progress.

Now, if any people on earth ought to study jurisprudence, it is the people of the United States. Any self-governing people ought to have among them a large body of students—the larger, the better—who are familiar with the best results of historical and comparative jurisprudence, and the theory of legislation. If they are also familiar with practical and analytical jurisprudence, so much the better. But if, as is too often the case, they are familiar with no one of these subjects, or at least with only disconnected sections of them, then so much the worse for them and for the public. In these days of constitution-mongering and statute-tinkering, it is the part of wisdom to have an educated body of citizens who shall know some fraction of this "summing up of almost all knowledge not strictly physical," and be able to apply it in the solution of our modern problems of government and justice. Perhaps I may be pardoned for saying that it is a pity that these matters must fall so largely into the hands of professional lawyers. But at present there is no other considerable body of citizens fitted to undertake them; and the consequence is that needed reforms are long delayed, or are burdened with the technicalities of law that a little knowledge of historical and comparative jurisprudence would speedily remove. It was a layman who brought about the most important legal and economic reform of the century, the system of registry of land titles—a system which has uniformly been opposed by the great body of lawyers bred in the technicalities growing out of



the feudal system of tenure, and which has thus far found no favor in the United States. It is simply impossible to conceive the economic saving that would result to our people from the adoption of such a system as that invented by Sir Robert Torrens, or that has resulted in Australia and Canada and other English colonies where it has been introduced. If the teaching of the history of English law, to take a single example, would convince the university graduates of the coming generation that the ancient land laws of England, as they were developed under the influence of the feudal system, need not be superstitiously revered as the perfection of human wisdom, and should thereby create a sentiment for such a reform as has been indicated, this alone would save to the people a thousand times over every dollar spent in the giving of such instruction. If the economic results of the teaching of jurisprudence would be thus incalculable, the political results would be even more so. While a Chair of Jurisprudence, any more than a Chair of Political Science, should never become a propaganda, it is inevitable that like causes should produce like effects, and, after all, progress is aided more by intelligence than by ignorance.

American universities would do well to keep in view the results of the experience of the English and continental universities in teaching jurisprudence, and in this they will be greatly aided by the articles which have already appeared in the *ANNALS* on "Instruction in Public Law and Economics in Germany," by Leo S. Rowe and others, July and October, 1890, and "The Teaching of Political Science at Oxford," by D. G. Ritchie, July, 1891. I would also call attention to the provisions for such teaching at the other great English universities, so far as they relate to jurisprudence.

At Cambridge University the course offered in Jurisprudence is as follows :\*

\* See reprint from the *Jurist* in the *Columbia Law Times*, Vol. ii., No. 3, p. 95.

## PART I.

- (1) General Jurisprudence.
- (2) The History and General Principles of Roman Law.
- (3) The Institutes of Gaius and Justinian.
- (4) A selected portion of the Digest.
- (5) English Constitutional Law and History.
- (6) Public International Law.
- (7) Essays and Problems.

## PART II.

- (1 and 2) The English Law of Real and Personal Property, with the equitable principles applicable to these subjects.
- (3 and 4) The English Law of Contract and Tort, with the equitable principles applicable to these subjects.
- (5) The English Criminal Law, including procedure and evidence.
- (6) Essays.

This course, it is to be remembered, is not merely a law school course; it is primarily a university course, intended as a part of an educated Englishman's intellectual fitting. Such names as those of Clark, Westlake, Maitland and Courtney Kenny are a sufficient indication of how well the work is done. Students who pass both parts of this course are entitled to the degrees of B. A. and L.L. D., and may take either or both of them. The same degrees are granted upon the completion of one of these parts and one part of any other course on "Tripos."

At Oxford greater stress is laid on comparative jurisprudence than at Cambridge, and indeed such could not have failed to be the case under the leadership of the last two incumbents of the Corpus Professorship of Jurisprudence, Sir Henry Maine and Sir Frederick Pollock.

Just what would be a proper and practicable course in an American university is a question that must be settled on the lines of the development theory. As yet no efficient attempt has been made to frame such a course, and all suggestions or experiments must necessarily be tentative. Such a course, however, would need to take account in some form of the following subjects:

## JURISPRUDENCE IN AMERICAN UNIVERSITIES.

- (1) The Elements of Jurisprudence.
- (2) Private Municipal Law (English and American).
- (3) Public Municipal Law (English and American).
- (4) Constitutional Law.
- (5) Ancient Law.
- (6) Roman Law.
- (7) Comparative Jurisprudence.
- (8) International Law.
- (9) Final Jurisprudence, or the Theory of Legislation.

In some respects an American university has peculiar advantages for the teaching of jurisprudence in a systematic and thorough manner. It is more homogeneous than an English university, and its students are more permanent than those of a German university. Moreover, our Federal system offers advantages not fully appreciated, perhaps because of their very familiarity, but which a foreigner is quick to perceive. In his inaugural lecture at Oxford, Sir Frederick Pollock said :

"Since the classical period of Roman law there has never been a constitution of affairs more apt to foster the free and intelligent criticism of legal authorities, the untrammelled play of legal speculation and analysis, than now exists in the States of the American Union, where law is developed under many technically independent jurisdictions, but in deference and conformity to a common ideal. We are justified, therefore, in expecting that our American colleagues will not be behindhand in the work to which, in this generation, jurisprudence appears to be specially called."

Shall our kinsmen across the Atlantic be disappointed in the high conception which they have formed of our readiness to rise to the full stature of our possibilities?

ERNEST WILSON HUFFCUT.

*Indiana University, School of Law.*

## INSTRUCTION IN FRENCH UNIVERSITIES.

WITH SPECIAL REFERENCE TO

INSTRUCTION IN PUBLIC LAW AND ECONOMICS IN  
THE LAW FACULTIES.

At no time in its history has the question of public instruction in France offered so much of interest as within recent years; at no time have the changes been so sweeping, especially as regards higher, or university instruction. We hesitate to use the word "university" instruction, for, strictly speaking, there are no such institutions as "universities" in France. In order to understand the full significance of this fact, it is necessary to examine into the effects of the Revolution and the influence of Napoleon upon public instruction.

Before the Revolution no distinction was made between secondary and higher instruction. It was all given at the university: the preparatory instruction, Latin, Greek, Literature, Philosophy, and the Elements of the Sciences, in the Faculties of Art; the professional or special instruction, Theology, Law, and Medicine, in the Faculties of Theology, Law, and Medicine. By the end of the First Empire, at which period the state had assumed the task of instruction in all its degrees, the higher institutions of learning may be classified as follows:

(1.) Special schools, devoted to a special science, and not including any other, except such as supplemented directly this special subject. The type of this class was what to-day is known as the "*École Polytechnique*." The Faculties of Theology, Law, and Medicine, in spite of their names, were special schools, completely isolated from each other.

(2.) The Faculties of Letters and of Sciences, where the instruction received was general in its character, forming

the continuation of the secondary instruction, and having no other aim than the general culture of the intellect.

(3.) Another category comprised such institutions as had no other end in view than the development of scientific knowledge, and the discovery of scientific truth. The *Collège de France* and the National Museum of Natural History furnish typical examples. As we shall have occasion to show, this classification would no longer be exact after the reforms which the Faculties have undergone.

#### I.

The old University of France had been abolished, and in its place were established what are still known as the "Faculties." These were simply special schools, without the least inter-relation, either material or intellectual. The inevitable result was a gradual deterioration of all except the Faculties of Paris, where the intellectual vitality was always great. Each faculty, strictly limited in its curriculum to the science which it represented, was jealously guarded from any salutary influence which a sister Faculty, even in the same city, might exert. Every stimulus to progress was wanting. There was a total lack of any community of interests, of mutual exchange of ideas, or of cooperation. Another fact which contributed not a little to hasten the decline was that the Faculties of Letters and of Sciences had no students in our sense of the word. The absolute gratuity and publicity of the courses rendered the task of the professors very difficult in preparing lectures for a constantly changing audience, attracted, as it was, either by curiosity or by the desire for amusement, or even, as happened during the Restoration, by political sympathy or animosity. M. Ernest Renan, in a remarkable article upon "Higher Education in France," has described this state of affairs as follows:—"The doors were thrown wide open (les portes furent ouvertes à deux battants). The state, at certain hours, held open house for discourses upon science and literature. For an hour, twice a week, a professor ap-

peared before an audience which chance had formed, and which was very often composed, at two consecutive lessons, of different persons." This, together with the natural bent of the French intellect, caused the lectures at the Faculties of Letters\* and of Sciences to assume a certain character which they have preserved until the present day, modified, however, by the radical reforms of recent years, which we shall have occasion to notice hereafter. It is easy to see that the situation above described could not fail to banish from the lectures every idea of true science, of erudition, or of special research. The end which the professor was forced to have in view was to charm his audience, which, for the most part, came to him in search of agreeable emotions; an audience with an insatiable craving for novelty, which demanded for each lecture a subject completely treated, for each year a new course; and woe to him who fell short of these demands! With all its disadvantages, one is forced to admit, however, that this system produced a certain number of men who will always remain the glory and pride of the French Faculties. This was especially the case during the Restoration, when the brilliant examples of Guizot, in History, Villemain, in Literature, and Cousin, in Philosophy, dazzled the intellectual world. For over half a century they were looked upon as the ideals of a university professor. The efforts exerted and the talents wasted in trying to imitate these illustrious professors, to continue their traditions, and to recall their methods, would form one of the most curious chapters in educational history.

## II.

Before entering into the details of the reforms accomplished in each of the faculties, especially in the courses and methods of the law schools, it may be well to sketch rapidly the changes which have been brought about in the

\* The Faculty of Letters corresponds to the Faculty of Arts of an American University. It comprises the courses of History, Literature, Philosophy, Geography, Pedagogy, etc.



organization of the faculties, considered as an academic corps.

Previous to these reforms, the different faculties were almost completely excluded from the exercise of any control over the courses and the curriculum. The professors, instead of giving a general idea of their intended work for the year, were compelled to send to the Ministry of Public Instruction, and before it existed to the Educational Commission, an exact program, lesson by lesson, of their course. These programs were examined, and, if it was judged necessary, revised and corrected. Such revision was by no means rare, inasmuch as, until the end of the Second Empire, the faculties were regarded as the exponents of the ideas of the Government. The first step necessary in order to infuse some life into the different faculties was to accord them the liberty of instruction, and a certain independence in the choice and, above all, in the method and division of their courses. The decrees of 1885 (July 25 and December 28,) due to M. René Goblet, then Minister of Public Instruction, mark an immense advance in this respect—an advance two-fold in its nature :—

(1.) The decrees accorded to each one of the faculties, taken separately, the civil personality which they had possessed at their origin, but which had fallen into desuetude. This gave them the right to hold property. The main object seems to have been to establish closer relations between the faculties and the cities where they were situated. The municipality of Paris, for instance, gives annually 15,000 francs for the maintenance of paying scholarships and, furthermore, subsidizes a course upon the French Revolution at the Faculty of Letters, and another upon general Biology at the Faculty of Sciences. (2.) They brought about a thorough re-organization of the constitution of the faculties in their relations to each other, giving them a kind of charter. While each faculty was regarded, in a certain sense, as a complete and independent entity, it formed at the same time, a part of an organism, to the welfare of which all were supposed to

contribute. Although the decrees gave no name to this collective body, a special law being necessary to constitute a veritable university, the institutions established approach, nevertheless, very closely in character to real universities. In order to comprehend the full bearing of these reforms, it is necessary to dwell a moment upon the internal organization of the Faculties. The members, as is customary in academic bodies, fall into several categories, three in this instance, viz., (1) the titular professors; (2) those who are charged by the Faculty to deliver a course of lectures, (*chargé de cours*); (3) the *maître de conférences*, analogous, in many respects, to the "instructor" of an American university. In each Faculty we find two distinct groups: (1) the *Assembly of the Faculty*, which includes all those who, in any capacity, take part in the instruction given; (2) the *Council of the Faculty*, which is composed exclusively of the titular and adjunct professors. After establishing these two bodies, the decrees of the 28th of December, 1885, took a step further in creating closer relations between the different faculties of the same academic centre, by uniting them in a "General Council" (*Conseil Général des Facultés*). This is a sort of University Senate, an organ for the common interests of all the faculties. It is composed of the deans and representatives of the faculties and is presided over by the Rector of the Academy, who is the representative of the state. Its functions are: first, the co-ordination of the programs and courses of the different faculties in order to establish a certain harmony between them which will permit students in medicine to follow certain courses at the Faculty of Sciences; students of law to do the same at the Faculty of Letters or of Medicine, so that subjects of the same nature in the different sciences may be grouped together. The General Council has, farther, the administrative and financial oversight of the libraries and scientific collections, and lastly, it apportions amongst the different faculties the appropriations for higher education and superintends the preparation of the annual reports to the Minister of Public Instruction. It is only natural

that the deeply-rooted particularistic sentiment in the faculties, especially those of the smaller towns, should oppose itself to the realization of all the hopes which these reforms inspired. Nevertheless, the results have been very satisfactory and each year has brought with it a closer relationship between the faculties.

### III.

Before terminating this general sketch, it may be well to notice a question which has been occupying public attention and the press for the last few years, and which will shortly be brought before the Chamber of Deputies, a commission having framed and submitted a bill. This is the question of founding French universities in the true sense of the word. It must be remembered that the "University of France," as it was founded in 1808, was understood to include *all* the institutions of public instruction, whether primary, secondary, or devoted to higher education. This body had ceased to exist legally in 1850, but the idea of the "university," as personifying the instruction given by the state, as opposed to that of the Church, still remained in the public mind. The establishment of French universities, in the modern sense of the term, would necessarily imply the abandoning by the state of a certain number of its present functions, which would be entrusted to academic bodies possessing a certain autonomy.

In 1885, previous to the above-mentioned reforms, the Minister of Public Instruction, in a circular addressed to the faculties, asked for an answer to the question, "Should the faculties be grouped in universities, analogous to those existing in foreign countries?" Although the majority answered in the affirmative, no law to this effect has yet been enacted. The difficulty attending such a radical reform arises from the fact that the feeling of academic solidarity is absent, and, furthermore, that of the fifteen groups of faculties (exclusive of the group of Algiers) only six possess the four Faculties—Medicine, Law, Letters and Sciences—seven possessing three, and the remainder but two. It would

be necessary, therefore, in order to complete the others, to found twelve new faculties, ten of Medicine and two of Law, which would involve great difficulties, as the cities where they would have to be established do not offer the conditions necessary to their success.

#### THE FACULTIES OF LAW.

Although the administrative reforms which have been accomplished are, perhaps, greater in the Faculties of Letters and Sciences, the changes relating to the curriculum are undoubtedly greater in the Faculties of Law. These changes, while in appearance less important than those effected in the other faculties, are really more significant, owing to the obstacles which had to be surmounted in making a body of jurists, tenacious of their traditions, consent to include in the program of instruction subjects which are not absolutely indispensable to a legal training. In order to understand the condition of the law schools previous to the reforms to be described, it is necessary to go back to the time of the First Empire, when these, as well as the other faculties, were considered as organs of the government. This is illustrated by one of Napoleon's decrees, which reads:

"All the schools of the Imperial university will take as the basis of their instruction:

"1st. The precepts of the Catholic religion.

"2d. Fidelity to the Emperor, to the Imperial Monarchy, depository of the happiness of the people, and the Napoleonic Dynasty, guardian of the unity of France and of all the liberal ideas proclaimed by the constitution.

"3d. Obedience to the academic statutes whose object is to insure the uniformity of instruction, and which tend to create citizens attached to their religion, to their sovereign, to their country, and to their family."

In connection with this narrow conception of their role, another, and equally powerful, cause was at work tending to limit the field of activity of the law schools, and to suppress any instruction which appeared to deviate from the

prescribed paths of commentary and exegesis. This was the codification of the French law. The almost inevitable consequence of a written and codified law is to transform the law schools into professional instead of scientific schools, devoted solely to preparation for judicial functions. Furthermore, it soon engenders a certain feeling of reverence on the part of the professors, who accustom themselves to regard a code as something sacred and final. In this way arose that narrow and unscientific method of legal education, which, taking the laws as they are written, comments upon the text, without pointing out its underlying principles, which banishes the idea of historical development from that commentary, which sacrifices the theoretical to the practical point of view, and which regards as a heresy the criticism of the economic and moral value of a law or of its philosophical significance. In short, the lecture courses in a French law school, until within recent years, had in view the legal *art* to the exclusion of the *science*. The whole problem is here involved of the position which a law school is destined to occupy in the higher education of a country, and this, in its turn, depends, to a certain extent, upon the method of recruitment in the public administration. Viewed strictly from this point of view, and leaving aside, for the moment, the question of the advantages of a liberal education for all members of the legal profession, the conditions in France differ from those in America. Of the fourteen hundred students in law, graduated each year, hardly a third are admitted to the bar or enter the magistracy. The majority seek public or administrative careers. As a result, the Faculties of Law, while they have for their principal function the preparation for the bar, cannot confine themselves entirely to subjects strictly necessary in order to plead before the courts. It is, therefore, by no means a matter of indifference whether a student arrives at the end of his course with some knowledge of the political and economic sciences. In any case, a law course should be less an apprenticeship to a trade than a scientific training which leads to the liberal

professions, enabling the lawyer to place himself, at times, above the text of the law, and to consider its importance and its effects from a point of view other than the purely interpretative. The different Ministries of Public Instruction, especially since that of M. Duruy, have not failed to recognize this fact, as we shall have occasion to show. The reforms which have tended to counterbalance the exclusively practical tendencies of the law schools have been the introduction of the History of Law, of Political Economy, and of International Law into the program of studies. Nevertheless, we may say that the reforms have only begun in this respect. The next few years will undoubtedly witness a steady continuation of this movement, which will unite with the interpretation of the written law the advantages of a training in political and economic science.

#### POLITICAL ECONOMY.

The introduction of Political Economy in the curriculum of the law schools was long delayed. In 1863, a delegation headed by MM. Hippolyte Passy and Charles Renouard asked M. Duruy, then Minister of Public Instruction, to found a chair of Political Economy in each of the law schools. In a decree of the following year such a chair was established in the Faculty of Law in Paris, on which occasion the Minister confessed that "Political Economy is not represented in our national education, it has not a single chair in the *Departments*." Strange as it may seem, those words remained true until the decree of March 26, 1877, which prescribed instruction in Political Economy in each of the Law Faculties of France. It must not be thought that this innovation was allowed to pass in silence. On the contrary, it formed for a long time a subject of dispute. A number of the most eminent French economists, headed by M. Courcelle-Seneuil, argued that the legal mind, which was accustomed to attach itself to a text, could never properly treat a science of observation. It must be remembered that the method of selecting the professors from among the



graduates called to these chairs men who had received a purely legal training. Another party of jurists attacked the introduction of Political Economy, on the ground that no such science existed. As one of them expressed it, "There everything is subject to the fancy of the professor. Each one constructs his own system. Political Economy is, at the most, a conjectural art." Notwithstanding these pessimistic predictions, the short time which has elapsed since the introduction of this subject has been sufficient to produce the most satisfactory results. They have been too well described by Professor Gide in the *Political Science Quarterly*,\* to require repetition here. The introduction of Political Economy into the Law Faculties has had its effect upon the other portions of the legal instruction. Economic studies, the economic analysis of a law, require the professor to seek another standpoint than the mere text itself. He is required to trace and justify the underlying principles; to unite the idea of public utility with that of legal interpretation. He can no longer treat the ideas of testament and contract, of marriage and succession, of property, of the family, as having for a basis "the formulæ written by an emperor or by a legislative assembly;" in a word, he must develop each topic with the aid of the most recent researches in the science, as opposed to the art of law, "which, like all other sciences meriting the name, must remain living and progressive." The instruction in Political Economy has been placed in the first year of the course, thus forming the logical continuation of the philosophical studies which occupy the student towards the close of his courses in the *Lycées* or *Collèges*, institutions of secondary instruction, occupying the same position as the German *gymnasia*.

## HISTORY OF LAW.

It was not until 1880 that this subject was placed in the regular curriculum of the law schools. Up to that time a

\* December, 1890.

few privileged faculties offered courses upon this subject, but even these courses were limited to those who wished to take the degree of Doctor of Laws. Thus the large majority of students were entirely ignorant of the history of their national law. Wolowski very well defined the importance of this subject when he said, "The contempt," to which might be added the ignorance, "of the past is closely allied to the passion for sudden reforms, the result of which is to destroy, where it ought to transform."

#### INTERNATIONAL LAW.

The codification of the French law, and the excessive importance attached to it, which reduced the legal science to the explanation of the texts, proved itself an obstacle to the introduction of instruction in International Law in the French law schools. It was not until 1888 that the Houses of Parliament voted twelve thousand francs for the organization of courses in Public International Law in the Law Faculties. A decree of the 24th of July, 1889, placed this subject on the regular program of studies. At the beginning of that year there were only two courses of International Law, one at the Faculty of Law, in Paris, the other at *École Libre des Sciences Politiques*, but, thanks to the subsidies voted by the municipalities of Lyons, Lille, and Nancy, these faculties were enabled to establish courses of the same nature.

#### PHILOSOPHY OF LAW.

This subject, which has been very well described as the synthesis of the three preceding sciences, has recently been added to the curriculum of the law schools.

#### THE REFORM OF THE "LICENCE EN DROIT."

During recent years the Ministers of Public Instruction have been occupied with projects for the reform of the *Licence en Droit*, i. e., the degree given by the Faculties of Law, preparatory to admission to the bar. One of the most

important of these projects was that contained in the ministerial circular of M. Lockroy, submitted to the examination of the rectors of the "Academies" and the Faculties of Law. His object was to reduce the time occupied by the purely legal instruction in the program of studies, in order to accord at least an equally important place to the administrative, economic, financial, and political sciences. This would naturally change the character of the law schools, transforming them, to a certain extent, into schools of political science, preparatory to entrance into the public administration, or to a public career. In view of the great number of law students who choose these professions, it cannot be denied that one of the essential functions of the law schools should be to prepare these for their after career. Although several steps were taken during the college year 1890-91 towards the realization of M. Lockroy's object, a great deal yet remains to be done.

#### THE REFORM OF THE "AGRÉGATION DE DROIT."

The *agrégation* is the highest degree conferred by the faculty. As it is exclusively from among those who have taken it, the *agrégés*, as they are called, that the faculties choose their professors, the importance of the prescribed studies, for those preparing themselves for this degree, can easily be seen. The 2d of February of this year (1891) the "Higher Council of Public Instruction" voted a project for the reform of the *agrégation*. The characteristic feature of this reform is to introduce into the program of the competitive examinations the following subjects: Criminal, Constitutional, Administrative, and International Law, the History of Law, and Political Economy. The faculties would thus be able to choose their professors in the political sciences from among those who had applied themselves to subjects other than French civil and Roman law.

Although the full effects of these reforms will not be felt until the opening of the college year 1891-92, they are already apparent, not only in the list of the courses them-

selves, but also in the spirit of the instruction given at the law schools, even in the branches which used to be treated from a purely legal standpoint. We can only heartily echo the sentiment of M. Bourgeois, the present Minister of Public Instruction, who, in his ministerial circular of February, 1891, said: "I have the utmost confidence that the new disposition of the legal, historical, social and economic studies, which will henceforth be so intimately united, will have the most salutary effects."

INSTRUCTION IN THE POLITICAL SCIENCES IN INSTITUTIONS OTHER THAN THE LAW SCHOOLS.

*The Collège de France.*

This was founded by Francis I, who wished to have a higher institution of learning, where the sciences which did not find their place in what was then the Faculty of Arts, would receive sufficient attention. The circumstances which attended its establishment having greatly changed, this institution occupies to-day a position peculiar to itself. Enjoying an almost absolute freedom as to the choice of subjects of instruction and methods of administration, it devotes itself to instruction in the different sciences and to scientific research. As it gives no degrees, and thus presents no very definite aim to those who attend the lectures, the courses draw comparatively few students in the real sense of the word. In winter, quite a large number of auditors are not infrequently attracted through curiosity to see a celebrated professor, or by the comfortable warmth of the lecture room. Thus, at almost every lecture of M. Ernest Renan, one may see a number of persons, generally strangers, enter, remain about a quarter of an hour, during which time they take a good look at the lecturer, and then file out with more or less noise. All this is not conducive to purely scientific instruction, and the professor soon sees himself forced, in order not to speak before empty benches, to resort to every kind of artifice to make his lectures interesting and amusing.

It was at the *Collège de France* that the first courses in political economy were given. The first professor to occupy the chair was Michel Chevalier. In 1848, when the question of transforming the *Collège* into a School of Administration was discussed, it was proposed to suppress this chair, and institute five others in its place, a change which, however, was never accomplished. The names of these five chairs were to be: (1) Economics and Statistics of Population; (2) Economics and Statistics of Agriculture; (3) Economics and Statistics of Public Works; (4) Economics and Statistics of Mines, Arts, and Manufactories; (5) Economics and Statistics of Finance and Commerce.

The reasons given were as follows: "As to Political Economy, the opinion of the Commission is, that while each student might study this subject in text books, it should have no place in an official curriculum." The Commission was furthermore of the opinion that "Political Economy, consisting of disputed systems, without any fixity, would present a certain danger, of attaching young minds to some one of these systems, and that the veritable Political Economy, being nothing other than the science of politics and administration, the proposed course ought to be sufficient." The chair of Political Economy is to-day occupied by M. Paul Leroy-Beaulieu. The professors of the *Collège de France* possess an almost absolute freedom in the choice of their subjects, and at times the relation between the name of the chair and the subjects treated is somewhat difficult to discover.

#### THE ÉCOLE LIBRE DES SCIENCES POLITIQUES.\*

An examination of the courses in political science in the different classes of French schools, shows that the School of Political Science is the only one which offers anything approaching complete instruction in these branches. The

\* *École Libre* means a school which, founded by private individuals or corporations, is distinct from the schools which depend upon the State and are under its direct supervision. It is free from direct governmental control.

very fact of the sterility of the state schools and faculties in this respect, favored the success and remarkable growth of this school. It was founded in 1871 by MM. Boutmy and Binet. At that period, as we have already had occasion to show, there existed nowhere in France any regularly organized instruction in political science. This want was all the more keenly felt because of the organization of the French Civil Service, the entrance to which is determined by means of competitive examinations. There existed, it is true, a School of Administration, but it offered only a small portion of the advantages to be found to-day at the School of Political Sciences. Viewed from an exclusively practical standpoint, the school prepares for the different branches of public administration. For this purpose the courses are divided into five sections :

- (1) Administrative Section.
- (2) Diplomatic Section.
- (3) Economic and Financial Section.
- (4) Colonial Section.
- (5) Section of History and Public Law.

The courses are arranged so as to enable those attending the law school to enter one of the sections of the school as well. The courses extend over a period of two years. They are numerous, and cover the whole field of political science. Nevertheless, the small number of hours given to each subject often causes the student to leave with only a very imperfect knowledge of some of the most important branches.

The School of Political Sciences at Paris offers one of the most interesting and important examples of systematic instruction in these branches. The rapid transformations which the Law Faculties are undergoing, the ever-increasing importance given to political science in their curriculums, will, no doubt, materially affect its position and progress. But whatever its future may be, it will always remain one of the monuments to French private initiative.



## COURSES GIVEN BY THE SOCIETY OF SOCIAL ECONOMY.

This society, founded by Frédéric Le Play, gives each year a number of courses, inspired by the doctrines of the society. Many of these courses consist in the presentation of family or trade monographs, for the basis of Le Play's method is the observation and study, in the form of monographs, of particular families, taken as types of a social group. The course of M. Du Maroussem, recently given under the auspices of the society, at the Law Faculty, deserves special mention. It was a minute description of the furniture industry of Paris, in which he traced its history, its methods of work, the relation between employer and workmen, the commercial crises to which it has been subjected, the reforms necessary in order to better the condition of the workmen, in short, a complete picture of this Parisian industry. The previous year he had pursued the same method of observation and exposition in the case of the carpentry industry.

## COURSES IN THE CATHOLIC FACULTIES.

We merely wish to recall here the fact that courses in political economy are given in the four Catholic Faculties of Law in Paris, Lille, Angers, and Lyons, by MM. Claudio Jannet, Béchaux, Baugas and Rambaud, respectively.

## THE CONSERVATORY OF ARTS AND TRADE.

The courses of Political and Social Economy given at this institution deserve special attention because of their popular character. The chair of Political Economy and Industrial Legislation is occupied by M. Émile Levasseur, that of Industrial Economy and Statistics, by M. De Foville. Two courses, of two hours a week each, are given by these gentlemen in the evening. These are largely attended by the working classes, and in general by those who are occupied during the day. The course of M. Levasseur is divided into five parts, which are treated during five consecutive years. Thus, during the college year 1885-86 he began

with the subject, "The Consumption of Wealth," followed in 1886-87 by "Industrial Legislation"; 1887-88, "The Production of Wealth"; 1888-89, "The Distribution of Wealth"; 1889-90, "Exchange of Wealth." In 1890-91, he recommenced the series with "The Consumption of Wealth," which he treated in the following order:

"Productive and unproductive consumption—Economy and the Savings Banks—Capital and its functions—Costs of public instruction—Personal consumption—Luxury—Insurance—Bankruptcy—Consumption of the State, budget, taxes—Population; births, deaths, marriages, emigration, increase—Relation existing between population and wealth."

M. de Foville, whose course extends over the same length of time, chose the following subjects during the five years beginning with 1885-86: "The Equipment of Human Industry," "The Effects of Human Industry," "Labor and Its Laws," "The International Exposition" (chosen because of the Exposition at Paris in 1889), "Ways and Means of Transportation."

These courses are adapted in an admirable manner to the intellectual standard of the audience. They are models of economic instruction for the masses. The economic significance of many of the more obvious elements of social and industrial life are brought home to the listeners; entire lectures being devoted to such topics as the Savings Bank, Failures and Bankruptcy, Drunkenness, Insurance, the Personal Consumption of the Workingman, etc.

#### UNIVERSITY STATISTICS.

Having given a general idea of the method and scope of instruction in the French "Faculties," it seems advisable to complete these observations with some statistical notes. In this part of our investigation we have made use of the *Statistique de l'Enseignement Supérieur*, published decennially by the Ministry of Public Instruction since 1868. These publications have greatly contributed to the improve-

ment of the condition of the faculties by bringing to the notice of the authorities and the public their needs and defects. The most superficial examination of the statistics of 1868 suffice to show the vices of the organization of the faculties at that time—the limited numbers of chairs, the lack of students in the Faculties of Letters and Sciences, the deplorable condition of the libraries. The first publication of the "Statistics" served to open the eyes of the government to the exigencies of the situation, and, as a result, the statistics of 1878 show a much more satisfactory condition—the effects of reforms were already apparent. Nevertheless, the progress had been exceedingly slow, compared with that accomplished between 1878 and 1889. The difficulties were increased by the fact that between these two dates there had been thirteen different Ministers of Public Instruction who were at the same time Grand Masters of the University. As regards the financial situation of the faculties, we find that the gross expenses have been as follows :

1835 . . . . .	2,004,623 francs.
1877 . . . . .	5,113,880 "
1879 . . . . .	8,625,330 "
1884 . . . . .	11,652,355 "
1887 . . . . .	11,500,000 "

In 1887 the receipts\* for immatriculation and examination fees amounted to 4,700,000 francs. The only faculties whose expenses and receipts balance are the Faculty of Letters, of Rennes, and the Faculty of Law, of Paris. In 1887 the receipts of the latter exceeded the expenses by 454,326 francs. It is to be borne in mind that we are only considering the expenses of the faculties, which would be greatly increased if we included all the higher special schools. As to the number of students, we find that in 1875, 9963 students were regularly immatricu-

\* It is to be remarked that the lectures (with the exception of the conferences) are free, but if one desires to take a degree, the fees amount to 120 francs a year for registration at the Faculties of Law. The examination fees amount to 180 to 280 francs at the Faculty of Law at Paris.

lated in the faculties of France. In 1888 the number reached 17,503; that is, almost twice as many. The greatest progress in this respect is in the Faculties of Letters and of Sciences. In 1878, the date of the publication of the general statistics, the Faculties of Law and Medicine were the only ones that possessed regular students. The Faculties of Sciences and Letters had to depend upon the general public to

NUMBER OF IMMATRICULATED STUDENTS IN THE  
FACULTIES OF

	Law.	Medicine and Pharmacy.	Sciences.	Letters.	Total.
Paris . . . . .	2,300	5,135	449	1,171	9,055
Toulouse . . . . .	727	306	101	97	1,231
Bordeaux . . . . .	268	544	81	136	1,029
Lyons . . . . .	281	544	46	91	962
Montpellier . . . . .	256	494	67	73	890
Lille . . . . .	118	299	139	156	712
Caen . . . . .	191	52	62	157	462
Nancy . . . . .	137	175	59	83	454
Aix-Marseilles . . . . .	181	153	49	50	433
Rennes . . . . .	215	94	49	68	426
Grenoble . . . . .	127	48	57	86	318
Poitiers . . . . .	143	41	35	57	276
Dijon . . . . .	107	59	36	34	236
Besancon . . . . .	. . .	45	44	41	130
Clermont . . . . .	. . .	41	35	20	96
Algiers . . . . .	101	58	26	38	223
Schools of Medicine and Pharmacy of Amiens, Angers, Limoges, Nantes, Rheims, Rouen, Tours. }	. . .	57			57
Total . . . . .	5,152	8,715*	1,335	2,358	17,503*

follow its courses. In 1879 commenced the formation of regular groups of immatriculated students at the Faculties of

\*[A discrepancy is observable in the footing of the column of figures relating to the medical students and a corresponding one in the "total." We were not, however, in a position to correct the error, owing to the want of necessary material.—THE EDITORS.]

Sciences and Letters of Paris, Lyons, Bordeaux, and Montpellier. In 1888 the total number of students in all these faculties was 3693, of whom 1620 were at Paris. Of these 2358 belonged to the Faculties of Letters and 1335 to the Faculties of Sciences. The success of this movement, which was stigmatized by many as the Germanization of the faculties, is partly due to the establishment of paying scholarships. Thus, of the 3700 immatriculated students in the Faculties of Sciences and of Letters, 620 enjoyed, in 1888, the use of paying scholarships. As the foregoing table will show, the Faculties of Medicine lead the list with 8715 immatriculated students, of whom over 5000 are at the Faculty of Paris. The Faculties of Law follow with 5152 students, of whom 2300 are at Paris. In this table we have omitted the 127 students at the Protestant theological faculties of Paris and Mantauban, as well as the students of the Catholic faculties.

As to the number of foreign students, they are to be found almost exclusively at Paris, where they form a very considerable proportion: 12 per cent. at the Faculty of Medicine, 8 per cent. at the Faculty of Letters, 7 per cent. at the Faculty of Law, and 1.2 per cent. at the School of Pharmacy. Considering all the faculties of France for the moment, we find that, whereas in 1868 there were only 500 immatriculated foreign students, which number was reduced to almost zero after the war of 1870-71, the year 1891 found 1192 foreign students immatriculated, of which more than one thousand were at Paris. The nations sending the largest contingents are as follows:

Russia . . . . .	278	Spain . . . . .	45
United States . . . . .	169	Switzerland . . . . .	44
Roumania . . . . .	154	Bulgaria . . . . .	34
Turkey . . . . .	123	Servia . . . . .	33
England . . . . .	72	Italy . . . . .	22
Egypt . . . . .	56	Portugal . . . . .	19
Greece . . . . .	54	Germany . . . . .	19

They are divided amongst the following faculties :

Theology . . . . .	4	Sciences . . . . .	85
Law . . . . .	204	Letters . . . . .	37
Medicine . . . . .	862		

If the statistics we have given tend to show anything, it is the altogether disproportionate position occupied by the faculties of Paris as compared with those of the provinces. The former include about two-thirds of all the students, which explains, to some extent, the intellectual and material stagnation of so many of the latter. From 1825 to 1880 the budget of the four great faculties of Paris (Medicine, Law, Letters, and Sciences) has been increased from 709,381 francs to 2,256,340 francs. The number of chairs has increased as follows: The Faculty of Sciences, which possessed 12 chairs in 1810, has to-day 19, or, including the "Masters of Conference,"\* 27; the Faculty of Letters, had 3 chairs in 1809, 11 in 1855, and 16 in 1880, or, including the complementary courses and conferences, 26; the Faculty of Law possessed 5 chairs in 1804, and 21 in 1880, with 5 "Masters of Conference;" the Faculty of Medicine, which had 20 professors in 1794, has to-day 33.

#### *Conclusion.*

Three classes of institutions for higher instruction can be distinguished in France to-day: 1st. The faculties, which composed the former university—theology, law, medicine, sciences, letters, and the higher schools of pharmacy. 2d. Independent institutions devoted to the study of special branches of science, or to general intellectual culture, such as the *Collège de France*, the Practical School of Higher Branches of Learning, the Observatories, the National Museum of Natural History. 3d. Special schools, such as the Higher Normal School, the *École des Chartes*, the School

\* The conference in a French faculty is a course of lectures reserved for the immatriculated students and in which the instructor sometimes questions the students.



of Oriental Languages, the Schools at Athens, Rome, and Cairo, which prepare for scientific, literary, or artistic careers.

We have endeavored to trace the reforms in the different faculties; to show how the Faculties of Letters and Sciences have completely changed their organization; how the law schools have introduced the political sciences and been gradually transformed from purely professional schools of jurisprudence into institutions which furnish instruction in political economy, as well as commercial, international, administrative, and constitutional law.

Comparisons with the institutions of other nations we have carefully avoided, because of the great difficulty of establishing a satisfactory criterion. A comparison of the French with the German universities, for instance, would be, for several reasons, unfair to France. In the first place, the organization of secondary instruction in Germany is not the same as that in France. In Germany the secondary instruction is considered, for the most part, as preparatory to entrance to the university; while in France the secondary instruction was organized at a time when, with the exception of the professional studies of law and medicine, there existed nothing which corresponds to the higher instruction of the present day. As a result, we find quite a number of branches, such as philosophy, certain portions of physics, and chemistry, entering into the secondary instruction in France which do not find their place in the faculties. Furthermore, the French faculties, especially of Letters and Sciences, must compete with the special schools, which often brings about a dispersion of intellectual forces.

As to the number of students, it must also be remembered that in France the theological students, with the exception of about 125 in Protestant theology, are educated in the Catholic theological seminaries under the supervision and direction of the church and completely separated from the state, and thus from the faculties. Germany, on the con-

trary, possesses in its state universities some six thousand students in theology.

Without attempting in the least to belittle the extraordinary progress made by the German universities, which has placed them at the head of almost all that pertains to intellectual culture, it is not to be denied that the great interest which France has taken during recent years in her higher institutions of learning, the immense sacrifices which she has made for them, and the important reforms accomplished in the organization of the faculties, bid fair to re-establish for her institutions their former reputation. There is no doubt that the passage of the bill reconstructing regional universities will contribute materially to this end by infusing new life into the faculties of the provinces, and thus reducing the preponderating and all-absorbing influence of Paris.

LIST OF INSTRUCTORS IN POLITICAL SCIENCE AND  
PUBLIC LAW IN THE VARIOUS INSTITUTIONS  
OF HIGHER EDUCATION IN FRANCE.

- PARIS.—MM. Beauregard, Esmein, Larnaude, Renault, Ducrocq, Leveillé, Michel, Jalabert, Cauwès, Chavegrin, Alglave, Boistel, Girard.
- LYONS.—MM. Rougier, Leseur, Énou, Audibert, Sauzet.
- BORDEAUX.—MM. Saint-Marc, Vigneaux, Duguit, Barckhausen, Despagne, Faure, Durckheim, De la Tour, Jullian, Gebelin.
- MONTPELLIER.—MM. Gide, Meynial, Gérard, Brémont, Barde, Laborde.
- NANCY.—MM. Garnier, Gavet, Liégeois, Blondel, Lombard.
- GRENOBLE.—MM. Jay, Rambaud, Pillet, Michoud, Testoud, Beaudouin, Balleydier.
- LILLE.—MM. Deschamps, Jacquey, Bourguin, Garçon.
- DIJON.—MM. Mongin, Saleilles, Gaudemet, Weiss.
- RENNES.—MM. Worms, Chenon, Marie, Blondel.
- TOULOUSE.—MM. Arnault, Despiaud, Hauriou, Timbal, Brissaud, De Boeck, Deloume.
- POITIERS.—MM. Brissonet, Didier, Biville, Barrilleau, Le Courtois.
- CAEN.—MM. Villey, Colin, Toutain, Jouen.
- AIX.—MM. Al. Jourdain, Gautier, Bouvier-Bangillon, Ed. Jourdain.
- ALGIERS.—MM. Colin, Estoublon.

COLLEGE DE FRANCE.—MM. Paul Leroy-Beaulieu, Flach, Levasseur.  
SORBONNE.—M. Pigeonneau.

SCHOOL OF ROADS AND BRIDGES.—MM. Baudrillart, Margnerie.

CONSERVATORY OF ARTS AND TRADES.—MM. De Foville, Levasseur.

NATIONAL INSTITUTE OF AGRICULTURE.—MM. Lecouteaux, Gauvain,  
Chevallier.

NATIONAL SCHOOL OF MINES.—MM. Cheysson, Aguilhon.

NATIONAL SCHOOL OF ARCHIVES.—MM. Géry, Roy.

HIGHER NORMAL SCHOOL.—M. Courcelle-Seneuil.

SCHOOL OF POLITICAL SCIENCE (École libre des sciences politiques).

—MM. Le Vavasseur de Précourt, Alix, Stourm, Cheysson, Le-  
bon, Gaidoz, Sorel, Levy-Bruhl, Funck-Brentano, Renault, Niox,  
Levasseur, Arnaune, Cordier, Flach, Levy, Monod, Ponsard.

SOCIETY OF SOCIAL ECONOMY.—MM. Maroussem, Béchaux, Guérin.

SCHOOL OF HIGHER COMMERCIAL STUDIES.—MM. Letort, Renault,  
Lyon-Caen, Passy, Blade.

HIGHER SCHOOL OF COMMERCE.—MM. Ameline de la Briselaine,  
Dhombres.

SCHOOL OF COMMERCE.—M. Letort.

SCHOOL OF ANTHROPOLOGY.—MM. Letourneau, De Martillet.

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## DISCUSSION.

### PARTY GOVERNMENT.

In the *ANNALS* for November, 1891, Professor Anson D. Morse has stated, with much clearness, some of the advantages of party government in a Republican state.

The study of these advantages might, however, lead to an exaggerated idea of their importance, if we should neglect to consider at the same time such disadvantages as are not merely accidental and curable, but apparently unavoidable and permanent in the operations of such political parties as we now have.

Among the most important functions of these organizations are the selection of candidates and the adoption of a platform or declaration of principles. These responsible duties are intrusted to conventions, composed of delegates chosen for the purpose at the party elections, known as the primaries.

Those who have so far conformed to the rules of a party as to be entitled to vote at its primaries may be divided into two classes, as follows: 1. Citizens who have no special advantages to gain, and whose only motive for participation is their desire for good government.

2. Those who are actuated by personal ambition or hopes of securing office, contracts or pecuniary benefits.

In order to carry the primaries a considerable amount of time and labor must necessarily be expended. The voters must communicate with each other; views must be compared and harmonized; candidates suggested, interviewed and agreed upon; tickets prepared and supplied, and concert of action secured.

This labor is undertaken with eagerness and enthusiasm by the men who are working for the offices or other personal

benefits, and are actuated by purely selfish motives. But the majority of citizens, engrossed as they are with private business and family cares, have neither time nor inclination for such tasks. And when their reluctance is overcome, as it occasionally is by their sense of public duty, they are likely to find that their opponents have no hesitation in resorting to misrepresentation, trickery or fraud, in order to control the result. Under these circumstances a small, but well-disciplined, energetic and unscrupulous minority can generally defeat the honorable and patriotic majority. It is therefore not surprising that honest and industrious citizens are apt to conclude that it is useless for them to take part in such contests.

The growth of this feeling is particularly noticeable in our large cities. Efforts to arrest it are only successful in rare instances, and it seems inevitable that the primaries must continue to be gradually abandoned more and more to the control of the class generally designated as politicians.

These gentlemen may have great abilities and many good qualities, but for the reasons just stated, their positions cannot, except in rare cases, be either won or retained unless their dominant motives are personal and partisan advantage; moral principles and the interests of the public being secondary considerations. Public offices, contracts and patronage are what they work for and what they must have, by fair means if possible, but if not, then by whatever means may be necessary. For this purpose they are obliged to combine among themselves and submit to such leaders as may seem best able to direct their efforts, and to secure and apportion among them the prizes they covet. Having once acquired complete control of a nominating convention, their natural desire, is of course, to nominate such candidates as will best serve their own personal interests, and in the absence of factional fights among themselves, the only real check upon this desire is their fear of losing enough of the more independent voters to turn the scale in the general elections.

This conflict between what they would like to do and what

they dare to do, usually results in their nominating such men as have no more honesty and independence than may seem to be absolutely necessary for ultimate success. And if they can secure candidates who are generally believed to be able and honorable, but who will really obey and assist the spoils-men, the temptation to nominate them, and thus deceive and outwit the people, can hardly be resisted.

In the construction of a party platform the leaders are naturally governed by similar motives, and, instead of publishing a frank statement of their real objects and intentions, they are disposed to adopt whatever may seem most likely to attract the voters. In their effort to do this they seek to treat almost every subject of public interest, but there are necessarily some points in regard to which even the members of their own party are divided, and it is one of the defects of party government that while many voters find sentiments which they disapprove in each platform, they can see no alternative but to cast their ballots for one or the other, and thus seem to endorse and support ideas to which they are really opposed.

It would appear, therefore, that our system of political parties must necessarily tend to place the selection of our candidates and the declaration of our principles in the hands of a small minority of able but comparatively selfish and unscrupulous men. If this tendency was confined to either party, it might be possible to hold it in check by voting for the nominees of the other; but the present system practically confines the choice of the people to the candidates of the two principal parties, all of them having been selected and nominated by similar methods, and therefore characterized by a similar lack of unselfish patriotism and moral principle. However dissatisfied the voters may be with the candidates of their own party, they are naturally disposed to believe that the candidates of the other party, having been chosen in the same way, are at least as bad. They have therefore no means of expressing their preference for better men, and their votes must be determined by the attractions



of a more or less unsatisfactory and untrustworthy political platform, rather than by any considerations of personal honor or fitness.

Under such a system, if a candidate belongs to a party which happens to be on the most popular side of some leading question, like the tariff or silver coinage, his lack of integrity or personal ability must be very glaring to prevent his election. And when he takes his seat in a legislative body, and it becomes his duty to make a careful study of some important question, to sift the evidence and reach a wise and just conclusion, he, who should be like an impartial judge or an unprejudiced jurymen, may find that he is only the bond servant of the leaders of his party, a mere automaton for the registering of their decrees. It is in this way that our legislative assemblies are slowly losing their character as deliberative bodies, and yielding more and more to the dictation of irresponsible partisan chiefs, or the decrees of a secret caucus.

While it is true that there are many exceptional instances, and occasional popular uprisings, it is difficult to avoid the conclusion that our general submission to the rule of political parties tends to lower our moral standards, corrupt our people, and subject our National, State, and Municipal governments to a class of men who care far more for personal and partisan success than for either the honor or material interests of those they profess to serve.

To discuss the possibility of devising better methods would be beyond the scope of the present paper, which is only intended to suggest a few of the reasons why we should not look upon the present system as satisfactory.

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NOTE ON PROFESSOR GRAZIANI'S ECONOMIC THEORY OF  
MACHINERY.

The theory of machinery, regarded as a branch of mechanics, has been exhaustively handled by competent writers, while the history of its introduction has been so often repeated that the names of successful inventors, from Watts and Fulton to Bell and Edison, have become as familiar as those of popular statesmen and warriors. The author of the little book \* now before us neglects, however, these dramatic aspects of the subject, and directs his inquiries to the question of the place of machinery in economic theory. In turning to this more difficult, but not less useful study, he deserves the thanks of all economists.

The effects of machinery on the constitution of society, and on the distribution of wealth—these are the leading thoughts in Prof. Graziani's mind. He begins by distinguishing between tools and machines.

He believes that tools originated in the adaptation of the instruments of war to the purposes of peace. This is a plausible hypothesis, at least, although it may not be susceptible of proof that at that early day civilization began by a beating of swords into ploughshares and spears into pruning hooks. It is certain, however, that the use of tools was the first step out of barbarism, prior even to the domestication of animals, and that with the help of tools and of animals a very high degree of civilization was possible, long before machinery attained that predominant position which is the distinctive note of modern industrial society. But in spite of the high development of political institutions and the expansion of intellectual activity, society seemed to be irretrievably divided into classes, of which the more numerous were, by no fault of their own, but, as it seemed, by the very

\* *Studi sulla Teoria Economica delle Macchine* by A. Graziani, pp. 115. Turin: Fratelli Bocca.

nature of things, hopelessly bound down to the soil or to the bench. There seemed to be no possibility that to them, also, Providence might vouchsafe some better lot than the scant sufficiency required to maintain life and to raise children.

Prof. Graziani is therefore well within the truth when he declares: "Tools were without doubt the chief cause of social progress, but they have not influenced the relative condition of the various classes: machinery, on the other hand, has extended its effects over the distribution of power and of the returns of production between the different classes of producers." (p. 8.)

Prof. Graziani recognizes that it is no easy matter to find a definition which will serve in an entirely satisfactory manner to distinguish between tools and machinery, and he therefore contents himself with commenting on the more striking peculiarities which distinguish them. "A tool," he says, "is a simple instrument which man directs to the transformation of matter; a machine is a combination of mechanical powers which intervenes between man and nature, which receives from him a simple impulse, and, as it were, by its own virtue transforms material into product." (p. 10.)

The efficacy and the extended use of machinery are mainly dependent upon the possession of an abundant source of power, and among all such sources of power, steam, of course, is pre-eminent. Prof. Graziani states that so long ago as 1860, the amount of 1,800,000 horse-power was used to move machinery in England, without counting that engaged in supplying the means of transportation.

This amount is now greatly augmented; and in view of so mighty an auxiliary force co-operating with man, what wonder that his mastery over nature should grow, and that a change amounting to little less than a revolution should ensue in the economic order of society!

The most important portion, however, of Prof. Graziani's book, in its relations to economic theory, is that in which he treats of the economic conditions, upon the existence of which the introduction of machinery depends.

"As manual labor preserves a field to itself in which machinery cannot compete with it, so machinery has a sphere which manual labor cannot invade. Outside of this circle [sic !], in which but a single productive system is possible, there remains a large territory open to either, and there machinery is of advantage when it increases the quantity of the product or improves its quality." (pp. 30, 31.) Our author tells us, further, how the decision is made. "Since, in the modern system of industry, production is directed by the undertaker, the application of more or of less auxiliary capital depends upon his interest." \* \* \* "It may happen that the rate of wages is so low as to render it more suitable to conduct the enterprise by the use of manual labor than by the use of machinery; it may happen, on the other hand, that the rate of wages may be so high as to render the use of machinery more advantageous." (p. 19.)

This thought is most fully developed in the third chapter. Our author there begins by critically examining the teachings of v. Thünen, "the first," he says, "who, with the insight of genius and with fixity of purpose, treated expressly the relative applicability of auxiliary capital and of remuneratory or wages capital." (p. 52.)\*

"According to v. Thünen, auxiliary capital can be advantageously substituted for wages capital whenever the interest on the auxiliary capital is less in amount than the wages, but not when it is equal or superior; so that, other things being equal, a less rate of interest favors the substitution of auxiliary capital for wages capital." \* \* \* "But this statement cannot stand, in face of an attentive examination." \* \* \* "It is not the interest on auxiliary capital which is to be compared with wages, but the loss of value which auxiliary capital incurs in use is to be added to the profit on the whole of the auxiliary capital, and this total is to be compared with the whole amount of the wages capital added

\* In what follows, it will be noticed that Prof. Graziani speaks of auxiliary capital as though it were identical with machinery. It, of course, in reality includes not only machinery, but a great many other things as well.

to the profit to which it would be entitled." \* \* \* "If a machine were to be completely worn out in one year, as is the case with wages capital, v. Thünen's error would be so evident as to need no answer. It would, in fact, follow from this supposition that if the rate of interest were ten per cent., there would be an advantage in substituting a machine worth ten thousand *lire* for wages capital of eight thousand *lire*, because the interest of ten thousand *lire* being one thousand *lire*, is less than eight thousand *lire*! But the doctrine is just as false when the auxiliary capital is but slowly consumed. Let us suppose a machine to have the value of twenty thousand *lire*, and that it is substituted for a wages capital of two thousand *lire*; let us suppose the rate of profit to be the same as that of interest, and that it is ten per cent., and, further, that the duration of the machine is such that the annual loss in value is two thousand *lire*."

"According to v. Thünen's theory, when the interest of twenty thousand *lire*, the value of the auxiliary capital, is equal to the two thousand *lire*, the amount of the wages, there will be neither loss nor gain in employing machinery, there being no increase of cost in doing so. But, as a matter of fact, things turn out in the following manner. In order that the enterprise should be profitable, it is necessary, when manual labor is employed, that the product should return to the undertaker the two thousand *lire* of wages which he has paid, and, in addition, a profit of ten per cent., or, in all, twenty-two hundred *lire*. On the other hand, if the labor of the machine is employed, the product must make good to the undertaker the loss of two thousand *lire* on his capital *plus* the profit on his entire capital of twenty thousand *lire*, making in all four thousand *lire*. It is, therefore, clear in this case that the use of machinery would involve a notable increase of cost." (pp. 55, 56, 57.)

Prof. Graziani evidently means to imply that v. Thünen was really ignorant of the existence of wear and tear, and that it was reserved for himself to discover it. If this view is

correct, it is at least difficult to reconcile it with Graziani's own estimate of v. Thünen as a "profound thinker."

After disposing of v. Thünen, Prof. Graziani turns somewhat contemptuously upon me because it so happens that in some essays which I once wrote on the subject of the law of wages, I was led to touch incidentally upon the same topic, which he treats of here. Prof. Graziani, it seems, thinks that the views I there expressed were copied by me from v. Thünen.

"Nevertheless," he says, "in spite of this absurd consequence to which it leads, the doctrine of Thünen, in its most absolute form, has recently been maintained by an American economist, Stuart Wood, who presents it without any too much novelty of reasoning. He says that there are operations in which the superiority of mechanical labor over manual labor is manifest, and that there are others in which the superiority of the latter is equally incontestable, but that in certain other undertakings either machines or manual labor can be substituted the one for the other. Now, according to Stuart Wood, in these latter cases the choice of the capitalist depends upon the relative cost of these different methods of production, and this is measured by the rate of interest on auxiliary capital compared with the wages of the laborers; but the amount which is paid as interest cannot differ greatly from that which is paid as wages, because machinery and labor are able to replace each the other, and, therefore, the law of competition imposes the equality of their compensation.

"The same objections which we have raised against v. Thünen are valid against Stuart Wood, and we shall not stop to repeat them."\* (pp. 57-58.)

It seems from the foregoing passages that v. Thünen and myself are charged in one indictment with having overlooked the element of wear and tear in estimating the comparative

\* I shall not pause to criticise this statement of my views further than to mention that I have always endeavored to avoid speaking of machinery as commensurate with auxiliary capital, as Graziani frequently does, and in the passage here quoted represents me as also doing.



costs of using capital and of using labor, and I am further accused with having borrowed v. Thünen's doctrine without acknowledging my obligation to him. In short, it is alleged that not only is my doctrine erroneous, but that my very error is not my own, but surreptitiously purloined from another.

Let those who enjoy such discussions compare the language here attributed to me with the language used by Graziani to express his own views and quoted above (see page 92, lines 1 to 16). As I do not pretend to rival the learned professor in erudition, I confess, without a pang, that I had never seen a copy of v. Thünen's work until after reading Graziani's, so that I could have as little borrowed my views from one as from the other. Indeed, v. Thünen's name was little known in America until attention was recently directed to his writings by Prof. Marshall.

I do not know what v. Thünen would have answered to Graziani's objections. It is quite possible that he may have been perfectly conscious of the influence of wear and tear, and that he may have thought it so self-evident as to require no mention for the special purposes of his investigation. It is even possible that he may have thought that no one could fail to perceive it, and so would not have begrudged its discovery to Graziani.

As for myself, although the special subject of my study did not require me to do so, I nevertheless did explicitly refer to the very facts which Prof. Graziani charges me with ignoring, and I do so in the very article from which he quotes.

"The principal element of the cost of using capital is interest: Interest alone is really paid as compensation for its use. But interest is by no means the only element of cost. In order to keep it intact and provide against sudden loss or gradual depreciation, there must be provided, in addition to interest, a fund for insurance and renewals, or wear and tear. These things vary greatly with the nature of the particular business; while interest, strictly speaking, does

not so vary. And besides insurance against loss by sudden destruction or by the dilapidation of gradual wear and tear, there must be an insurance provided against the possible depreciation in value arising out of the instability of business and its changing conditions. Labor is therefore often employed at a price far exceeding the ordinary interest on the amount of the capital which could replace it. The owner of a silver mine for these reasons may sometimes wisely hesitate to erect labor-saving appliances, even at an annual saving of from thirty to fifty per cent. on their cost; while a prudent manufacturer will often pass by opportunities to save ten per cent., or even twenty per cent. on the cost of improvements which it is in his power to make.

"But the charges for insurance and for renewals, or for wear and tear, are not strictly charges for the use of capital, but simply a provision to preserve its amount unimpaired. Excluding these charges from the cost of using capital, its interest remains as the compensation for its use, and is equal in all its employments at the same time and place."\*

In comparing with this passage the objections so far adduced by Graziani, one might suppose his opinion to be identical with my own. But, no; he objects to making the rate of interest the basis of the comparison between the cost of using auxiliary capital and the cost of using labor. He prefers to make the rate of profit rather than the rate of interest fill that rôle, and in this he supposes that he is introducing a notable change. I do not know what may be Prof. Graziani's theory of profit, but I do know that all careful thinkers on this subject are agreed that profit consists of the three elements, interest, insurance and wages of superintendence. Of these, the first only bears any fixed ratio to the amount of capital employed. The wages of superintendence cannot in any way affect the undertaker's choice between the use of auxiliary capital and the use of labor. Insurance, of course, does affect this determination much as wear and tear do, and for that reason I have treated it like them in the

\* Stuart Wood in *Quarterly Journal of Economics*, October, 1888, p. 70.

passage quoted above. Insurance and wages of superintendence being thus eliminated, there remains interest only.

As one great error brings other lesser errors in its train, so Professor Graziani imputes to me two other lesser blunders. The first is that I fail to avoid a certain ambiguity alleged to lurk in the word "rate." "By the rate of interest, is meant the relation between the returns of a capital and the capital itself; by the rate of wages, on the other hand, is meant not the relation between a capital and its return, but the actual compensation of each laborer; so that the rate of interest and the rate of wages, apparently analogous phenomena, assume a heterogeneous nature." (p. 58.) This distinction is familiar to me. If I have ever forgotten it with the result of vitiating my reasoning, I would be thankful to have the place pointed out in which I do so.

The second of the minor faults imputed to me, is my alleged failure to observe that the capital used in paying wages must receive interest, just the same as auxiliary capital does, and at the same rate. "The rate of interest on auxiliary capital and the rate of interest on wages capital must be identical, because the competition of capital prevents any divergency, so that the rate of interest will not of itself have any influence on the choice between employing capital in one way or the other. (p. 59.) If this were so, by substituting the word "profit" for the word "interest," the same reasoning would destroy Prof. Graziani's theory that the choice between auxiliary capital and labor is determined by the rate of profit (plus wear and tear), instead of by the rate of interest. His ardor, however, to confute the supposed errors of others has led him into the very palpable error of confusing the amount of interest with the rate of interest. That he knows better is proved by the fact that he elsewhere (p. 57), as already quoted, himself adduces the instance of a machine worth twenty thousand *lire*, supplanting labor which requires a wage capital of two thousand *lire*, and himself draws the inference that if interest or profit be at the rate of ten per cent., it will amount to two thousand *lire* in the case of

the machine, and two hundred *lire* in the case of wages capital.

I have dwelt at length on these passages, not merely because they concern me personally, but also, because I believe that Prof. Graziani's statements tend to introduce fresh confusion into a difficult subject, instead of clearing up that which already prevails.

The opinions expressed in his book, are, for the most part, sound and judicious, and the errors into which the author has fallen are due not so much to any fundamental vice in his system as to the fact that his eagerness for controversy causes him to attempt to refute the statements of others before he has attained a clear insight into their real meaning.

STUART WOOD.

*Philadelphia, Pa.*

## PROCEEDINGS.

### TENTH SESSION.

The Tenth Scientific Session of the Academy was held in Philadelphia, on Tuesday, the 24th of November, 1891, at 1520 Chestnut Street, at 8 p. m. The following papers and communications were announced as having been submitted to the Academy since its last meeting:

49. By James Harvey Robinson, of the University of Pennsylvania: The German Bundesrath. This paper was withdrawn, and has appeared among the publications of the University of Pennsylvania. (Political Economy and Public Law Series, Vol. III, No. 1.)

50. By George D. Holt: The Relation of Charity Organization to Social Problems.

51. By D. G. Ritchie, of the University of Oxford, England: The Teaching of Political Science at Oxford. Printed in the ANNALS, July, 1891.

52. By Takekuma Okada: Taxation in Japan.

53. By Leo S. Rowe: The Congress of the Learned Societies at Paris. Printed in the ANNALS, September, 1891; also a note, (54) "Les Magasins du Louvre,"

55. By S. S. Cooper, of Philadelphia: Crimes of the State and Abuses of Police Power.

56. By Professor E. P. Cheyney, of the University of Pennsylvania: Recent Tendencies in the Reform of Land Tenure. Printed in the ANNALS, November, 1891.

57. By J. Müller: Slow Climatic Effects on the Country and Inhabitants of Northern Europe.

58. By Francis B. Lee, New Jersey: Constitution of Belgium. Translation and Introduction.

59. By Leo S. Rowe: Instruction in French Universities. Printed in the current number of the ANNALS.

60. By Jane M. Slocum: Letter on Instruction in Secondary Schools.

61. By Bernard Moses, of the University of California: Constitution of Colombia, with Antecedents.

62. By A. D. P. Van Buren, of Michigan: James Otis.

63. By T. B. Veblen, Ithaca, N. Y.: Some Neglected Points in the Theory of Socialism. Printed in the *ANNALS*, November, 1891.

64. By George H. Opdyke: The Nature of Wages, with Especial Reference to the Relations between Wages and Profits.

65. By Wellford Addis, Bureau of Education, Washington, D. C.: The Crisis in Secondary Instruction in France.

66. By A. D. Morse, of Amherst College: The Place of Party in the Political System. Printed in the *ANNALS*, November, 1891.

67. By Rev. Charles W. Duffield, of Ware, Mass.: Belamy Once More, or the Nationalist Movement.

68. By Lewis W. Wells, of New Jersey: Notes on Piece Work.

69. By Titus Salter Emery, of Philadelphia: Oppressive Taxation and the Remedy.

The subject of the evening's discussion was "How to Improve City Government; The Objects and Methods of the Philadelphia Municipal League."

Papers were read by Mr. F. P. Prichard on "The Study of Municipal Government;"\* by Mr. Lincoln L. Eyre on "The Relation of the National Party to Municipal Government;" and by Mr. William Draper Lewis on "The Political Organization of a Modern Municipality."\*

After the papers had been read, the president invited a free discussion by those present of the topics which had been treated. The audience showed a remarkable interest in the subject of the evening, and a large number were ready to express their views.

\* Printed in full in the current number of the *ANNALS*.



Prof. H. Willis of the Central High School, was the first to respond. He pointed out that there was a tendency to return to the Greek meaning of the word "Politics," which referred to the management of the affairs of the *Polis*, that is, of the community or city. The increasing interest in the study of political science he deemed a most hopeful sign, as the real root of the matter was education. The problems of finance and administration that the ordinary office-holder is required to solve could, he thought, almost be taught in the grammar school, being no more complicated than parts of arithmetic and grammar.

Prof. Giddings, of Bryn Mawr, declared himself in hearty opposition to what had been urged in favor of a divorce of city from state and federal politics. "We ought to recognize the fact that we, in America, have developed a political life of our own; that we have a definite political basis. We ought to find out what that basis is and adjust ourselves to it.

"That basis in this country is party, and party only. The reason why we have no good municipal government is simply and solely that while we have let parties run our municipal government, we have never made them *responsible*. Instead of doing this we have kept saying, 'It is all very well for the parties to conduct the national government and the state government, but really they ought not to meddle or have anything to do with the city governments, and there is, therefore, no sort of way of holding them responsible for those governments.' If we want good government, we must recognize the fact that parties will govern, and make it a part of the duty of the political party to have a definite municipal policy as well as a definite state policy and a definite national policy, and then vote in accordance with those policies as we choose.

"Now, why have we no responsible party in municipal affairs? Why is it that a party has a national policy and a state policy which we would choose between as voters, but that a party never has a municipal policy? Simply because

[533] Church Street

the parties, and the citizens who form parties, are never permitted in this country to govern a municipality. There is not a municipality in this country that governs itself. It pretends to govern itself, but how? By making petty by-laws under the provisions of a perfect mountain of state statutes all the time being revised by the state legislature. The politicians come to your state capital, and there they frame all sorts of schemes, get them carefully drawn up in the statute laws and then, forsooth, if you choose, you may play at politics in your municipal affairs; but you have no real politics, and, of course, no real party.

"If you are ever to have good municipal government in this country, ladies and gentlemen, you must get over being humbugged by all these new devices for a form of municipal government that are not in accordance with American ideas and American ways of doing things. You will make your parties responsible for municipal government, as for all other forms of government, you must then give them power to do what they assume the responsibility for, and hold them to that responsibility."

Mr. Thomas H. Dudley, ex-United States Consul at Liverpool, said he agreed in the main with the sentiments expressed by Prof. Giddings. He thought that we were destined to have parties as long as the Republic lasted and that these parties would generally control the municipalities. The speaker believed that in one-half of the municipalities the Republican institutions had proved a failure. This was to be attributed in large part to the introduction of large masses of uneducated foreigners. Mr. Dudley dwelt at some length on the present abuses. The remedy he believed to lie in the direction of greater activity on the part of the more intelligent classes. The parties could not be dispensed with, but should be educated, not spasmodically, when things reached a state no longer bearable, but systematically. The organization of leagues and committees was not to be discouraged, but after those committees had done all they could, the government fell back into the hands of the politicians and of the

existing parties. He could see no remedy but that of attending the primaries and electing, or trying to elect, better men. "I would not," he said in closing, "discourage the efforts of the leagues or those of the committees of citizens. Let them do all they can. But we must recognize the fact that municipal government will continue to be in the hands of the politicians, as it always has been."

Mr. Rudolph Blankenburg urged that we were often led astray by a devotion to parties which had lost their significance. He endorsed the plea of Prof. Willis, that the science of government ought to be taught in the schools. "The Constitution is explained, and the science of government in many ways is explained; but, Mr. Chairman, there is something that is not done in our public schools that is needed, because it is the children of to-day who will be the men and women of to-morrow. Let us teach them the *morality* of government, and I see the time when the second father of this country will be called, who shall write a text book on the morality of politics. Let us commence right with our children; let us commence right, and there will be very little difficulty or trouble in the future."

Assistant Postmaster Benjamin J. Hughes said: "I am one of those who have always heretofore seen what I have believed to be my duty in acting with one of the political parties. I trust, however, that I may never be so clouded with prejudice as to reject a proposition merely because it is new."

Prof. Giddings, to be consistent with his ideas, would, he thought, be in a very serious dilemma if the political party to which he belongs should adopt a policy in national affairs in which he believed and a policy in municipal affairs which he could not conscientiously support. If he voted with his national party, he must vote against his convictions. If he voted against his national party in municipal affairs he must vote against his political convictions in national affairs. "The proposition which we have to-night before us is undoubtedly a legitimate proposition, that there may be a

political party confining itself to national issues, that there may be in every city political parties representing the division of sentiment with regard to the political issues of that city. There may be two political parties, or more, if you please, in every city confining their attention absolutely to questions affecting the municipal government. That that is possible, no man who stops to reason for an instant will deny. That it may be good, I do not deny. That it is certain to be good, I am not convinced."

The argument for the expediency of a divorce of local and state politics, Mr. Hughes did not consider conclusive. "I do not believe," he said, "that it is impossible that a party may do well in national affairs, that it may do well in state affairs, and that it may do well in city affairs. I think the question always will be whether the people belonging to it do well when organized and operating for any one of those parties. The theory advocated has been at least partially tried in this country and without success. The city of Washington has a municipal government in which the political organizations were absolutely dissevered from national affairs, where the people of the District of Columbia could vote upon no question except questions pertaining to the government of that district, which was primarily, of course, the city of Washington. They had no vote on any state questions, no vote upon any national question, and it was almost impossible, whatever names they may have organized themselves under, for them to organize a political party for anything except municipal purposes. And yet, despite the theory of our friends, the government of the city of Washington became so corrupt that it had to be taken away from them. Whether a municipal party will give us better government for a city than existing parties do give us, in my judgment, will depend in very large measure upon whether the people of that city are more patriotic than the average of the political organization. That, for instance, the people of Pennsylvania are not of better average morality and patriot-

ism than the average of the people of the city of Philadelphia, I am not quite certain. The necessity of at least paying some decent respect to the morality of the rest of the state may be to some extent a restraint upon bad government in our city. If you can give me a city composed of citizens like those that are gathered here, patriotic men and women who will love their city, and who will vote always for its highest interest, then let us separate municipal politics from national or from state politics. The real evil, in my judgment, is far deeper than the question of political organization. The real thing which we must get over, if we want pure government in our municipalities, is the curse of the spoils system."

Mr. C. Oscar Beasley expressed the wish, as a Councilman of Philadelphia, "to get on the witness stand and testify." No one, he claimed, appeared to realize the magnitude of the subject under discussion. He illustrated his point by the statement that, while the State of Pennsylvania had made appropriations of \$20,000,000 during the past year, the city of Philadelphia had disbursed no less than \$21,000,000. The evils of municipal government in some of our great cities he attributed to the overwhelming preponderance of a single party. To reduce this majority was the first step towards reform. Secondly, an absolute independence in voting on city affairs was necessary. "We must have parties, but not devoted to the same objects. Divide the objects of your parties, but you must keep your organization." Referring to the government of Philadelphia, the speaker pointed out that the corruption had been conspicuous under the administration of respectable mayors and heads of departments. "The mayor must," he said, "go behind the covers and curtains of his office. You must compel your mayor to dig down into the miry depths beneath, and not allow him to say, 'I do not want to make trouble; I do not want to make things unpleasant.' When you have gotten your municipal government in that condition, when you have reduced your majority, and when you vote independently in politics, we shall then have a progressive city government."

## PERSONAL NOTES.

### AMERICA.

**Columbia College.**—Worthington Chauncey Ford, who has been appointed reader of Political Economy for the coming year in Columbia College, was born in Brooklyn, N. Y., in 1858. He entered Columbia College with the class of 1879, but was compelled by increasing deafness to leave in the junior year. He then went into business in connection with an insurance company, continuing, however, his literary work. Besides contributions to the *Evening Post* and the *Nation*, Mr. Ford edited Well's "Natural Philosophy" (1879) and compiled "A Citizen's Manual" (1882). Later he became a member of the editorial staff of the *New York Herald*, and for two years he wrote on economic and political questions for the editorial page of that paper, publishing, as well, occasional articles on allied subjects in the monthlies and quarterlies.

In 1885 Mr. Ford was appointed by Mr. Bayard, Chief of the Bureau of Statistics in the Department of State, and held that position until March 5th, 1889, when he resigned.

Mr. Ford has devoted much attention to American History, and has edited many collections on that subject. Among these may be mentioned :

- Letters of Joseph Jones (1889).
- Report of a Committee of the Lords of the Privy Council on the trade of Great Britain with the United States, 1791.
- Washington as an Employer and Importer of Labor.
- The Writings of Washington, 14 vols.
- The Spurious Letters attributed to Washington.
- The Duché-Washington Letters.
- Letters of William Lee, 3 vols., etc.

**Cornell University.**—Prof. Adolph Casper Miller, who



was last spring chosen Assistant Professor of Political Economy and Finance in Cornell University, was graduated at the University of California in 1887. He was awarded the "Harvard Club Scholarship Prize" of San Francisco, and spent the years 1887-8 and 1888-9 as a graduate student at Harvard University. During the year 1889-90 Mr. Miller was Instructor in Political Economy at Harvard. The following year he taught the same subject in the University of California, where he was elected assistant professor.

Prof. Miller has contributed papers to the *Quarterly Journal of Economics* upon "International Protection of Workmen" and "The Conversion of the English Debt."

**Harvard University.**—Mr. D. E. Spencer, of Madison, Wis., recently appointed Assistant in History at Harvard University, is a graduate student in History and Political Economy at that institution. After taking the degree of B. L. at the University of Wisconsin, in 1887, he studied one year in the Law School of the same institution. In 1889-90 he was Instructor in History at the University of Wisconsin, and entered Harvard the next year, receiving the degree A. M. in 1891. Mr. Spencer has written "Local Government in Wisconsin," (Johns Hopkins University Studies in Historical and Political Science, 8th Series, No. III) and a short historical sketch of the University of Wisconsin, printed in Circular of Information, No. 1, 1889, of the U. S. Bureau of Education.

**Leland Stanford Junior University.**—Professor George E. Howard, recently of the University of Nebraska, now occupies the chair of American History and History of Institutions at the Leland Stanford Junior University. Professor Howard received the degree of A. B. at the University of Nebraska, 1876, and that of A. M. three years later. From 1876 to 1878 he studied history and Roman law at the Universities of Munich and Paris, and was appointed Professor of History at the University of Nebraska in 1879. Prof. Howard is a contributor to the *Nation*, the *Political*

*Science Quarterly*, the ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, and other journals. He has published :

"Introduction to the Local Constitutional History of the United States." Vol. I. (Extra volume Johns Hopkins Series.)

"Development of the King's Peace and the English Local Magistracy." 1890. (Nebraska University Studies. Vol. I, No. 3, and also separately.)

"Evolution of the University." 1890.

"The State University in America." (*Atlantic Monthly*. 1891.)

**University of Michigan.**—Herman Vandenburg Ames, who was appointed Instructor in History at the University of Michigan at the beginning of the present academic year, is a graduate of Amherst (1888). He studied in the Columbia School of Political Science in 1888-89, and entered the Graduate School of Harvard University in 1889. He took the degree of A. M. in 1890, and held the Ozias Goodwin Memorial Fellowship in 1890-91. He received the degree of Ph. D. in 1891, his thesis being :—"Proposed Amendments to the Constitution of the United States." A part of his results have been published in the papers of the American Historical Association, Vol. V, No. 4.

**Syracuse University.**—W. H. Mace, who was last June appointed Professor of History and Political Science in Syracuse University, Syracuse, N. Y., is a native of Indiana. He was born in 1853. After his graduation from the Indiana State Normal School in 1876, he had charge of the public schools of Winamac and Logansport for three years. In 1883, he graduated from the University of Michigan, receiving the degree of A. M. He was Superintendent of Public Schools in McGregor, Iowa, from 1883-85. In 1885 he became Professor of History in the Normal department of DePauw University, holding that position for five years. The past year he spent at Cornell in post graduate study.

Prof. Mace is now editing the department of History in

the *Inter-State School Review*. In 1886, he published an "Outline and Notes on United States History," and contributed the "Outline of American History to the Indiana Institutes," published by the State Department in 1889.

## AUSTRIA.

**Prague.**—Dr. Ernest Mischler, recently appointed Extraordinary Professor of Statistics at the German University at Prague, was born in that city in 1857, and is the son of Dr. Peter Mischler, at that time Professor of Political Economy. He was educated in his native city, receiving the degree of Doctor of Laws at the University in 1881. He was then chosen a member of the Statistical Commission of Austria (K. K. Statistische Central-Commission), retaining this position for over six years. In 1885 he became Privatdocent for Statistics at the German University of Prague; in 1887 he occupied the same position at Vienna. In 1888 he was made extraordinary professor in the University of Czernowitz, and finally, in 1891, he was called to his present position. Prof. Mischler established, during the present year, in the Austrian province of Bukowina, a provincial statistical bureau, and was himself its first Director. In 1887 he acted as secretary of the fourth International Demographic Congress at Vienna, and edited its proceedings.

Prof. Mischler is an active member of the International Statistical Institute, of the Provincial Statistical Commission of the Duchy of Bukowina, as well as of the American Academy of Political and Social Science. He is, moreover, corresponding member of the Statistical Commission above referred to. In the University, Prof. Mischler lectures not only upon statistics, but upon political economy as well.

Besides his more important works, to be mentioned later, he has contributed articles to the various scientific journals, among which may be noted papers in the *Statistische Monatschrift*. Mayr's *Allgemeines Statistisches Archiv* (Das

Moment der Zeit in der Statistik, etc.), Schanz's *Finanz-Archiv* (Die Subjecte der Finanzwirtschaft, etc.), Conrad's *Jahrbücher*, Braun's *Archiv für Sociale Gesetzgebung und Statistik*, Allgemeine Deutsche Biographie, Holtzendorf-Jagemann's Handbuch des Gefängnißwesens (Partie, Kriminalstatistik).

Prof. Mischler's works are the following :

"Alte und neue Universitäts-Statistik," Prag, 1885.

"Der öffentliche Haushalt in Böhmen," Wien, 1886.

"Österreichischer Städtebuch ; Herausgegeben im Verein mit K. Th. von Inama-Sternegg. I Band, 1887 ; II Band, 1888 ; Wien, Gerolds Sohn.

"Die Armenpflege in den öster. Städten und ihre Reform." Wien, 1890.

#### ENGLAND.

**London.**—Mr. R. H. Inglis Palgrave, F. R. S., the editor of the "Dictionary of Political Economy,"\* now in course of publication, belongs to a family several members of which have distinguished themselves as writers. The Mr. Palgrave in question is the third son of the late Sir Francis Palgrave, the eminent historian and author of the "Rise and Progress of the English Commonwealth." The eldest brother is Mr. Francis Turner Palgrave, Professor of Poetry at Oxford, and well known as a literary critic. The youngest of the brothers is Mr. Reginald Francis Douce Palgrave, who succeeded the late Sir Erskine May as Chief Clerk of the House of Commons.

Mr. Robert Harry Inglis Palgrave was born in London in 1827, and was educated at Charterhouse. At an early age he removed to Great Yarmouth, where he entered a banking house. His interest having been aroused in economics, he devoted much time to research in this science, and received the prize awarded in 1870, by the Statistical Society of London, for an essay upon "Local Taxation of Great Britain and Ireland." In 1873, he submitted to the same society a

\* London : Macmillan & Co., 1891.

paper entitled "Notes on Banking in Great Britain and Ireland, Sweden, Denmark and Hamburg." In 1875, Mr. Palgrave was chosen by the English Country Bankers issuing notes, as one of the witnesses on their behalf before the Select Committee of the House of Commons upon the banks of issue. In 1877, Mr. Palgrave became associated with the *Economist* newspaper, and upon the death of Mr. Bagehot, he assumed the post of editor. His contributions to the *Quarterly Review*, and especially his leading articles in the *Bankers' Magazine*, deserve mention. In 1882, he was honored by the election as Fellow of the Royal Society. In 1885, Mr. Palgrave was appointed one of Her Majesty's Commission on the Depression of Trade and Industry, in which capacity he has contributed "Appendix B" to the third report of this commission, a carefully written essay upon index numbers of prices, the currency and standard of value in England, France and India.

## FRANCE.

Aix.—The death of M. Alfred Jourdan, Professor of Political Economy of the Law Faculty, occurred late in the summer. He was born in 1823, and studied at Paris under the influences of Blanqui, Rossi and J. Garnier. Three years he spent in the study of Roman law and political economy at Heidelberg and Berlin, under Vangerow, Zoepfl, Mittermaier and Rau. On his return he took the degree of *docteur en droit* at Aix, but it was not until 1864 that he became Professor at the Law Faculty of Aix. A public course in political economy was established at Marseilles, and M. Jourdan applied for the place, but the government considered his liberal ideas dangerous, and refused its consent. In 1873, however, the position was conferred upon him, and when, in 1878, instruction in political economy was introduced in the law faculties of France, M. Jourdan gave up the chair of Roman Law at Aix, to assume that of Political Economy.

M. Jourdan was an adherent of the classical school; none the less he greeted with pleasure the foundation of *La*

*Revue d'Économie Politique*, and became one of its editorial committee. He did not abandon his scientific views, but lent the prestige of his name and influence to an undertaking, whose result, as he clearly foresaw, must be to dignify and solidify the instruction in political economy in the faculties of law. At the time of his death, he was engaged in the preparation of an ambitious work in four volumes, "L'Histoire des Doctrines Politiques." His important contributions to *La Revue d'Économie Politique*, were :

- "L'Enseignement de l'Économie Politique."
- "L'Économie Politique et le Droit."
- "Essais de Remaniement de la Science Économique."
- "Huitième Centenaire de l'Université de Bologne."

His other works are :

- "Exposée populaire du Droit Français," 1875.
- "L'Hypothèque," 1876.
- "Épargne et Capital," 1879.
- "Du rôle de l'État dans l'Order Économique," 1882.
- "Des Rapports entre le Droit et l'ÉconomiePolitique."

It is certainly a very honorable record that all of these, except the second, were written for the prize contests of the Institute, and that all were successful.

#### GERMANY.

**Berlin.**—Dr. Paul Heilborn, who, last January (1891), became Privatdozent in International Law at the University of Berlin, was born in Berlin February 6th, 1861. During the years 1879-82 he studied law at the Universities of Heidelberg and Berlin. From 1882 to 1888 he occupied the position of *Referendar* in the courts of Berlin, and was appointed in 1888 "*Gerichts-assessor*." The following year he left the Prussian state service, and entered the academic career, having already taken the degree of Doctor of Laws in 1887.

Dr. Heilborn has published :



"Rechte und Pflichten der neutralen Staaten in Bezug auf die während des Krieges auf ihr Gebiet übertretenden Angehörigen einer Armee und das dorthin gebrachte kriegsmaterial der Kriegführenden Parteien." Berlin, 1888. This work was awarded the Bluntschli Prize at Munich.

"Das Völkerrechtliche Protektorat." Berlin, 1891.

## RUSSIA.

**Kasan.**—Professor A. Brückner, the historian and statistician, formerly of Dorpat, has been appointed Professor at the University of Kasan, with leave of absence to pursue investigations in Germany. Professor Brückner was born at St. Petersburg in 1834, and studied at the Universities of Heidelberg, Berlin, and Jena, 1857–1860. He was Professor of History at the law faculty at St. Petersburg, 1861–67, at the University of Odessa, 1867–72, and at Dorpat, 1872–91. His principal works are :

"Finanzgeschichtliche Studien. Kupfergeldkrisen." St. Petersburg, 1867.

"Ideen und Zustände im Zeitalter Peters des Grossen." Leipzig, 1878.

"Peter der Grosse," Berlin, 1879.

"Katharina II." Berlin, 1883.

"Europäisirung Russlands." Gotha, 1889.

An edition of documents for a biography of Count N. P. Panin (1770–1857), 5 vols., St. Petersburg, 1889–91, (two further volumes in preparation.)

Dr. George Staehr has been appointed Extraordinary Professor of Political Economy and Statistics at the University of Kasan. Professor Staehr was born in 1857 at Dorpat, and received his education at the gymnasium and university of that town. After taking, in 1880, the degree of candidate of political economy and statistics, he went to St. Petersburg and took part in the compilation of statistics of landed property in the Polish provinces. In 1882, he was appointed to a post in the administration of schools and institutes in the Baltic provinces, which he held till 1886. Then devoting himself once more to his scientific studies, he

took the master's degree in 1890, and the doctor's degree in 1891, both at Dorpat. He has published :

"Die Russische Kopfsteuer und ihre Reform" (Russische Revue 1880.)

"Ueber Ursprung, Geschichte, Wesen und Bedeutung des Russischen Artels. Ein Beitrag zur Cultur und Wirtschaftsgeschichte des russischen Volkes, I. Dorpat, 1890. II. Dorpat, 1891.

## BOOK REVIEWS.

LE DROIT INDIVIDUEL ET L'ÉTAT. Introduction à l'Étude du Droit  
par CH. BEUDANT, Professeur à la Faculté de Droit de Paris.  
Deuxième Édition. Pp. 290. Paris, A. Rousseau, 1891.

"The eternal question of the principle of right," of "natural right," is the author's theme. Ages ago intuitions of an "absolute and universal justice," superior to laws and states, were felt by the few. At length the revolution of 1789 and the declaration of the rights of man (1791) placed this "principle of right" not in the law nor in the state, but "in man himself;" elevated "the notion of individual right to a principle of universal right." This was the idea of Montesquieu (p. 123), Locke (106), Grotius (94), Bodin (91); it was the idea which Christianity threw upon the world eighteen centuries before (66). The philosophers, a few chosen spirits, had recognized this idea; but neither man nor the state, his master, had followed it. The Greeks had not, the Roman public law had not; the early Church (71) did not. It was the eighteenth century (77) which definitively recognized the notion of individual right.

But the political work of the French Revolution passed away—and the ideas of the times? "The inclination is to make the action of the state predominate anew over the initiative of the individual and even over the rights of the individual." This, then, is the position taken by the author. Standing at the point attained by the declaration of human rights, he projects the "general formulas" of successive systems of philosophy upon a convenient background. Kant and the revolutionists (140); Rousseau, Hobbes, and Bentham (156, 175), and other odd companions touch or overlap one another in their asserting or denying, respectively, individual rights.

Forty pages are occupied with definitions and general

notions : twenty with the ancient idea of right, in Greece and Rome ; nearly one hundred are devoted to the liberal school, its origin, its development and its definitive formula ; finally, a hundred more are given up to the *Contrat Social*, the utilitarian and the historical school and sociology.

Theories of the relation of individual right to the state, selected from systems of philosophy from the time of Socrates to the later sociologists, stated so as to show who leaned toward individual rights, and who sacrificed them, but without much regard paid to whether this feature was important or secondary in the philosopher's system—this is the main content of the book. Whoever wants to get such a synoptic view of philosophical systems as this, will get it in this little volume with only the trouble of reading a well-written book.

FREDERICK W. MOORE.

*University of Pennsylvania.*

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LA LEGGE E LA LIBERTÀ NELLO STATO MODERNO. By ATTILIO BRUNIALTI. 2 vols. Pp. 310, 238. Turin, 1888-1890.

The author of these volumes is one of the recognized leaders of liberal political thought of Italy. His career has been a varied one ; for he has been librarian, journalist, historian, geographer, jurist, professor, and member of the lower house of the Italian Parliament. He has made a special study of the institutions of Switzerland, and evidently admires to the full the free government of England. One of his earliest works bore the title of "Liberty and Democracy," showing the youthful bent of his mind, which ripper years and profounder knowledge have only served to strengthen.

Although Signor Brunialti's title would lead us to expect no mention of antiquity, he uses very freely his knowledge of Athenian and Roman institutions as illustrative material. He calls attention to the well-known fact of the constantly increasing complexity of the law, and adds that "every law appears in fact as a diminution of liberty" ; but he goes on to show in a masterly manner that where the laws are just,

this diminution is only an appearance, and that such limitations in reality serve to reinvigorate liberty. The savage is more free than the civilized man, but only in a certain narrow sense; his sphere of action is rendered so petty by his ignorance and his circumstances, that in reality his life is very much more circumscribed than that of the civilized man who has all the forces of civilized life at his command. Although an enthusiast, our author is by no means a dreamer. He has no sympathy for ready-made systems of law, or for liberty given in a lump to a people that have no "sense of liberty," and who have had no training in "conquering" it. "Man may be merry and meek; but left to himself, to his own impulses, the human beast will out, with his brutality and his ferocity, with his violent and destructive instincts."—[I. p. 81.] "The individual, before he acquires the science of liberty, has the taste of anarchy."—[II. p. 166.] These are thoughts that it would be well to bear in mind in reference to our naturalization laws. How can it be expected that poor ignorant men from the slums of European cities or from the villages of Italian or Bohemian mountain districts, will acquire in five years of residence and hard work among us, and without a knowledge of our language and institutions, "the science of liberty"?

Our author examines in detail the methods of legislation in several of the leading countries of the world, thus seeking by comparison to find what might be called the best machinery of law-making. He reminds us that "the law is a restraint, a limit, a chain, and that the ideal is not to have the greatest, but the least number of laws, or rather the number which is strictly necessary for each particular condition of men and times." He finds, in general, that the laws are badly prepared; that legislators in the various countries of Europe and America give too little heed to their work; that bills are badly drawn and hurriedly passed, without due consideration as to their wording and their connection with laws already in force. Mistakes made by druggists and others are severely punished by law, while

ignorant and careless legislators are permitted to trifle with our welfare with impunity. He thinks that the best practical solution of the legislative problem would be the submission of every proposed law to a "*Consulta legislativa*, composed of few and eminent men, whose authority would be really respected by all." [I. p. 215.] The idea is a good one; and we should be glad to see the experiment tried, of having every bill proposed in Congress and in our State Legislatures submitted to a few jurists of recognized ability, and who were not members of the legislative body, in order that they might put it in words that would express exactly what the originators of the bill wished to enact into law, and compare the project with the law already existing, in order to see what effect the proposed enactment would have on the whole body of the law.

Ideas of what liberty should be are as diverse as the minds in which they originate. Signor Brunialti teaches the healthy doctrine that "liberty and responsibility should proceed with equal step, under the protection of the law." (II. p. 188.) Different peoples and various circumstances require different laws; but, "with the greatest diversity, liberty should develop itself within the limits of the law." (II. p. 106.) The work, as a whole, is the result of a calm and scholarly investigation of what has been done for the advancement of true liberty and for the betterment of law; and, with this as a basis, the author deals with the problem of what may be rationally undertaken for the future. "Law and liberty," he says, "far from exhausting themselves in an eternal conflict, should then, in the modern State, reign supreme and without antagonism, each in its proper domain, both ready for reciprocal concessions and inclined to the most prudent compromises, having for their common end and aim the greatest and most widespread welfare of man, material, intellectual, and moral, and the power and development of the State—in one word, the improvement and progress of mankind." (I. p. 13.)

WALTER B. SCAIFE.



**THE CORPORATION PROBLEM.**—The Public Phases of Corporations, their Uses, Abuses, Benefits, Dangers, Wealth and Power, with a Discussion of the Social, Industrial, Economic and Political Questions to which they have given rise. By WILLIAM W. COOK, of the New York Bar. Pp. vi, 262. New York: G. P. Putnam's Sons, 1891.

American lawyers have written more voluminously, not to say more diffusely, on corporation law than those of any other country; but they have usually elected to treat the subject from a strictly legal standpoint. Their works have quite frequently been planned merely to serve busy attorneys. Such a convention as that which met in Paris some time ago, made up of eminent lawyers and economists, to consider corporation law in all its bearings has not been known in this country; and the elaborate studies of the social aspects of such law undertaken by German publicists have no counterpart in English. When the editor of the *Handwörterbuch der Staatswissenschaften* asked Dr. Falkner to prepare a paper on the statistics of corporations in the United States, the latter found it necessary, I believe, to begin at the beginning, and to work from very scattered and incomplete sources.

In his earlier work on "Stock and Stockholders" (a "law book"), and in his smaller work on "Trusts," Mr. Cook's foot-notes indicated that he was giving considerable attention to the social and economic bearings of the subjects treated. The character of his present work indicates, and its preface avows, that it is made up of the materials which had accumulated during the preparation of the legal works, but which could not be used in them. It smacks of the scrap-book, and of a scrap-book that has not been filled from all the possible sources. It leaves the impression of having been concocted at odd times by a very busy man. As in the work on "Trusts" also, the haste of the author to occupy a new field seems to have led him to fill up with a good many unassimilated quotations, and a certain amount of rhetoric that approaches spread-eagleism in its indomitable hopeful-

ness as to the ability of the American people to settle all problems that present themselves.

But Mr. Cook might well urge that this particular field had so long needed occupying that it was much better that he should enter, as now, than that the social and economic aspects of modern corporation law should not receive systematic consideration. This is true. The need for an interpreter between the economists and the lawyers was urgent, and Mr. Cook was right in doing that which his time and preparation made possible, to meet the real demand. His present book will be useful in preparing a better book, whether that work be done by himself or another; and for the present it will serve to popularize the candid consideration of the subject with which it deals.

Admitting that the purpose of the work is to break, practically, new ground, so much space should not have been given to railroad problems as such. Of course they are at present of overshadowing importance; but they have been treated more systematically and at greater length than other branches of the subject, and Mr. Cook's nervous review of the opinions of many men does not add much to what the public already knows. Yet of this, as of the chapter on "Corporations as the Owners of Natural Monopolies," it may be said that though the matter seems already old to working economists, it is well that it should be brought sharply and repeatedly to the attention of the legal profession, and of the public generally.

The book gives a more substantial basis for optimism than the author's rhetoric. It shows that some problems that formerly seemed insoluble have been solved. For instance, we have learned that free incorporation under general acts is better than the granting of special charters to private companies by the Legislatures; and Connecticut is almost the only northern State that still adheres to the earlier method. We have also learned that whether the Dartmouth College decision was or was not sound from a strictly legal point of view, the system of irrepealable and unamendable charters

which it established was mischievous; and nearly all the state constitutions now reserve to the Legislature the right to amend or repeal any charter it may grant. Perpetual exemptions from taxation have been in this way prevented. Among the things that we are now learning, and which this volume will help to teach is the distinction, especially for purposes of taxation, between corporations which control natural monopolies and those which do not, and the imperative need of full publicity in all corporation affairs.

A. G. WARNER.

*Washington, D. C.*

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CHAPTERS ON THE THEORY AND HISTORY OF BANKING. By CHARLES F. DUNBAR, Professor of Political Economy in Harvard University. Pp. 199. New York: G. P. Putnam's Sons, 1891.

It is not a little astonishing that in a country where modern banking methods have reached so high a point of development, and where the regulation of banking privileges has occupied so large a share of legislative attention, both state and federal, so little should have been done in the systematic investigation and analysis of banking operations and statistics. This important department of political economy has been too long neglected by the professed cultivators of the science; their theories of currency have in consequence lagged woefully far behind the practice of the community. Doubtless much of the indifference ordinarily shown by practical men to the currency discussions of the books is to be set down to the insufficient account usually taken by the text-book writers on bank currency. And a similar disregard by our Legislators of some of the more important services rendered by the banks in the currency system of a community where, what has not been inaptly termed the "banking habit" is so general a feature of commercial life as in the United States, will alone account for much that is crude and antiquated in our legislation on the national banks. The abuse of their note issues

by too many of the state banks down to the awful collapse of 1857, seems to have fastened public attention then and since that time upon the note-issuing function of the banks to the exclusion of almost every other, and this in face of the fact that since that time the banking business in the United States has entered upon an entirely new stage of development. The disposition to treat the note-issue as the most important of banking privileges is one of the prejudices with which science has to contend at this present moment. The appearance, therefore, of such a book as Professor Dunbar has produced, which sets forth in a clear, concise and convincing manner the essential principles underlying banking operations, must be hailed as a most welcome accession to economic literature. Its appearance is especially seasonable at a time when the public mind needs much clarifying upon the subjects of currency and banking. If Professor Dunbar had done nothing more in this book than to have established on an incontestable scientific foundation—scientific, because based upon carefully collected facts—the effective, though, perhaps, inconspicuous service our banks are performing, through the subtle instrumentality of the deposit and the check, as makers of a currency other and better than the bank notes, his work would have had a sufficient *raison d'être*. But the book does much more than merely to emphasize the essential identity of the deposit liability and the note. It gives in brief compass a most admirable survey of the leading banking institutions of Europe, England and the United States, together with a careful statement of the banking functions of discount, deposit and issue, and chapters on banking operations, the check system, bank notes and combined reserves. Students who have been puzzled, or, at any rate, left unsatisfied by Adam Smith's or James Stewart's account of the old Bank of Amsterdam, will turn with relief to Professor Dunbar's interesting chapter on this, the best type of a now obsolete class of institutions which played an important part in the commercial life of their time.

This is, in every sense of the word, a thoroughly thought-out book, abounding in indications of the rare and accurate scholarship of its learned writer. It is to be heartily commended to teacher, student, and reader. It does for the intelligent appreciation of banking business what Professor Hadley's excellent work on Railroad Transportation has been doing for the better understanding of railway problems. The only regret on closing the book is that there is not more of it.

A. C. MILLER.

*Cornell University.*

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THE ORIGIN OF PROPERTY IN LAND. By FUSTEL DE COULANGES.

Translated by MARGARET ASHLEY, with an introductory chapter on the English Manor by W. J. ASHLEY, M. A. Pp. 153. London: Swan, Sonnenschein & Co. 1891.

Prof. Ashley, in his introductory essay, weighs the merits of M. Fustel's views on primitive property in land, and then proceeds upon this hypothesis of non-communal ownership to explain the development of the earliest productive unit in England—the Manor. There is nothing new in the theory of the manor as here given. It is simply the theory which Seeböhm has worked out in the "English Village Community," and which Ashley himself has previously given in his "English Economic History." Fustel's skepticism has left its impress upon Ashley. This is clearly apparent in the doubts the latter raises in regard to the accepted theory of the Indian village community, and is also evinced in the determination Ashley expresses of not allowing the comparative method any considerable weight in determining the course of land-ownership in England. "We see," says he, "that there is no very adequate reason, either in German, Indian, Russian or any other supposed analogies, why we should not suffer ourselves to be guided in our judgment as to England by English evidence." This is hardly consistent with his implicit faith in Seeböhm's theory of the English Manor, where it is assumed without any express evidence and merely on the ground of analogy, that the prevalent

"three-field" system was imported by the Romans into Britain. Prof. Ashley was bound in consistency to be skeptical in regard to at least that portion of Seebohm's theory.

The essay of Fustel de Coulanges, it is generally conceded, is a useful piece of destructive historical criticism. It attempts to refute all supposed proofs of early communism in land. That its positive views are extreme, and that national antipathy accounts for the vivisection of von Maurer and Lamprecht must also be granted. But when all is said, we must allow that von Maurer attempted to build too heavy and too detailed a structure on flimsy historical grounds. Viollet, who attempted to prove communal ownership among the Greeks, was a shallow sciolist. Even de Laveleye, in his comparative method of proving primitive communal ownership of land among all nations, was undoubtedly superficial. The early history of the Jews and the Babylonians as well as the comparatively modern origin of the Russian *mir* show that de Laveleye's induction was neither thorough nor wide enough in extent. However, when Fustel comes to Mommsen, he finds an antagonist of another calibre; and his strictures on Mommsen's theory of the communal agrarian system in Rome are by no means convincing.

The chief merit of the essay lies in its clearing away a cumbrous mass of unsubstantiated hypotheses, and in demonstrating that any kind of land tenure other than individual possession, must have prevailed in very much earlier times than was formerly supposed; and second, that the trace of any earlier system in existing legal codes is certainly very faint. The chief defects are, first, its failure to appreciate the fact that the development of systems of land-holding may not have been the same among different peoples. The evidence for communal tenure among the Romans is much clearer than among the Gauls. The second defect is its failure to recognize that rights of common usage, as found in mediæval *Rechtsquellen*, must originally have had some other source than the mere caprice or liking of the individual



owner of the estate. The general verdict must be that the essay is chiefly valuable as an incentive to more critical historical work in this line, and that it demonstrates that the nature of original land tenure is still largely an unsettled historical problem.

WINTHROP MORE DANIELS.

*Wesleyan University.*

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REPORT OF THE SPECIAL COMMITTEE ON OUT-DOOR ALMS OF THE TOWN OF HARTFORD, A. D. 1891. Published for the Town, pp. lxxi.; 27 Tables; 3 Appendices.

This pamphlet is an examination into the entire system of alms administration in a city, in which, according to the evidence given, the management of poor relief has been in nearly every respect the most wasteful, not only in the United States, but in the whole civilized world. It is this somewhat astonishing fact, coupled with the highly scientific character of the work itself, which gives to this pamphlet a unique value. The facts are in the main as follows:

In Hartford every sixteenth man is liable to be a recipient of municipal bounty. This ratio is higher than that of London or Paris, where only one in nineteen is a pauper, and is exceeded only by the cities of Stuttgart and Elberfeld and the country, Norway. The amount expended for general poor relief in 1885 was \$2.07 for each man, woman and child of the population, and for out-door relief 90 cents, as over against an average in Connecticut of \$1.22 and 61 cents; in Massachusetts of \$1.16 and 24 cents; in New York of 63 cents and 43 cents; in the Middle States of 38 cents and 4 cents; in the West and South of 62 cents and 17 cents. In 1890, Hartford, with a population of 53,230 inhabitants, was paying as a gross cost *per capita* for all relief, \$1.96; for out-door relief, 73 cents; with a net cost to the tax-payer of \$1.89. This outstrips the average, not only of American cities, but of Germany, Italy and the countries of Ireland and Scotland, and, though exceeded in one or two individual instances, holds first place when compared with the average of seven-

teen European countries. The significance of these figures is enhanced when the growth of population and the economy in expenditure are taken into account. Compared with Dortmund, the least favorable of the German cities, Hartford, while not increasing so rapidly in either general or pauper population, has advanced in largesses to its poor nearly three times as fast. The testimony is similarly damaging when a comparison is made with Brooklyn, Philadelphia, London and Berlin.

In searching for the causes for this high rate of expenditure, the committee discovered that 51 per cent. of the beneficiaries of the town were not proper persons for support, and that even in the remaining cases the aid has been neither legal—that is, within the terms of the statute—nor economical. For example, aid which the statute says shall be only temporary has become permanent, and recipients who, ten or fifteen years ago, might have been, with young children, in need of help, were now, with grown sons and daughters, still receiving a scarcely diminished bounty. Again, great carelessness existed in the giving out of orders for groceries. Some 132 different articles, many of them simply classified luxuries, were furnished in this way to the Hartford poor, where at most eight or ten, covering the obvious necessities of life, were all that the town was required to furnish. Similar waste was found in the care of the sick, in the work of the officials employed, in the matter of rents, burial of the dead, use of the city hospital, in the care of the insane, of orphans, and in the atrocious misuse of the almshouse, which had practically become a sinecure for tramps. Accompanying this valuable array of figures and statements are recommendations upon nearly every feature of alms administration; recommendations which should be carefully read by all who are interested in any phase of organized or private charity. The town of Hartford, roused by the disclosures of this committee, has already adopted a large number of these recommendations, in consequence of which the tax rate was reduced a short time ago by one mill, and a

majority of citizens have been quickened to a livelier interest in the management of their poor system.

The credit for this valuable addition to the literature of charities is due to the Rev. John J. McCook, of Trinity College, assisted by a committee composed of leading Hartford citizens. That such men could be interested to such an extent in a work of so great magnitude, without one cent of compensation, is evidence that civic virtue is not dead yet. We owe it to the chairman, Professor McCook, that the character of the report is of so high an order as to have all the value of work prepared by professionally trained statisticians. In some respects it is even better, for not only is it statistically complete and thorough, but it is also broad in spirit and sympathetic in treatment. This is attested by the fact that it has been adopted as a text-book on charities in two institutions of learning, as well as by the wide recognition it has received from those whose judgment is weighty. Dr. Böhmert, in *Volkswahl* for September 10, 1891, devotes over a column to a very flattering report. Mr. William Vallance, clerk of the Guardians of the Poor in White-chapel; Mr. George Rooke, of the Poor Law office in Manchester; Mr. Whightington, of the Massachusetts Board of Lunacy; Mrs. J. R. Lowell, of the New York Board of Charities, and others, have spoken of the report in terms of high approval. The work in every way deserves this approval, and Professor McCook, as a man busy with his college labors, and the other members of the committee, men loaded down with the duties of their respective businesses, should receive the thanks, not only of Hartford citizens, who reap the immediate benefit, but also of all interested in this subject, who will be able to turn to this report as one of the most influential and scholarly which any of our cities has produced.

CHARLES M. ANDREWS.

*Bryn Mawr College.*

## THE EVOLUTION OF PROPERTY FROM SAVAGERY TO CIVILIZATION.

By PAUL LAFARGUE. Pp. 174. London: Swan, Sonnenschein & Co., 1890.

It is but natural that the prevailing, and undoubtedly the correct, modern conception of political economy which views it from the sociological standpoint should become the cause of books like this. The subject could not fail to prove of interest to any economist who pins his faith to induction in the development of his science, and a fairly well-written work upon it would almost of necessity be attractive. It is most certain, however, that the majority of intelligent readers who may chance to examine this essay will find it altogether unsatisfactory. The writer is evidently not incompetent, and had he come to his work without bias, he might have done well; but, as it is, the verdict must be to the contrary.

Lafargue's theory, which is by no means so original as it is claimed to be, is briefly that a primitive tribal communism was succeeded by a "consanguine" collectivism beginning with the family and causing it to change at length from the "matriarchal" to the patriarchal form; and that this collectivism was superseded by feudal property, with its corresponding social organization, which prepared the way for "Bourgeois individualism." Finally comes a prediction, which seems to be in fact a threat, as follows: "Communism exists in a latent form in bourgeois society; circumstances, not to be foreseen, will cause it to burst forth openly, and will reinstate it as the only possible form of future society."

Some of the conclusions stated in this work can be accounted for only as the result of using facts to bolster a preconceived theory. One such conclusion is to be found in this statement: "The term capital, though of Latin origin, has no equivalent in the Greek and Latin tongues. The non-existence of the word in two such rich languages affords a proof that capitalist property did not exist in ancient times, at least as an economical and social phenomenon."

After all possible weight has been given to the argument from the term itself, it is hard to see how the last proposition can be made to comport with the essential fact that interest is an ancient "social phenomenon," and that, in Rome, at least, the struggle against usury seems to have moved almost *pari passu* with the progress of early agrarianism.

The most useful function of a writer whose radical socialism leads him to attack the family as the social unit, is to disgust sober thinkers with his doctrine. That something in this direction has been done in "The Evolution of Property," will easily be seen from such statements as—"the patriarchal family is likewise disintegrated and superseded by the modern family; a sorry remnant, destined, ere long, to disappear," and "The worn-out phrase 'The family is the pillar of the state,' which modern moralists and politicians reiterate *ad nauseam* since it has ceased to be exact, was at one time an adequate expression of the truth." The mischievous spirit of the book, which breaks out in these remarks, is aggravated by a supreme contempt for recognized authorities, showing itself in such expressions as "the Giffens, Roschers, Leroy-Beaulieus, and other such small fry of political economy."

The style of the English translation is, on the whole, good; blemishes like the use of "*restitute*" as a verb for *restore* seem to have been accidental.

To sum up, the book is worth reading only to those who have discrimination enough to understand what is bad in it, and patience enough to glean out the good.

University of Texas.

GEORGE P. GARRISON.

LECTURES ON THE CONSTITUTION OF THE UNITED STATES. By SAMUEL FREEMAN MILLER, LL.D., late an Associate Justice of the Supreme Court of the United States. Pp. xxi, 765. New York and Albany: Banks & Brothers, 1891.

This posthumous work of the late Justice Miller is in many respects a notable volume. It is, first of all, the

deliberate teachings of a great jurist who has had no superior upon the bench of the Supreme Court since the days of Marshall and Washington and Story. It represents the judicial experience and study of over a quarter of a century, and was originally addressed to a body of young men just entering upon their professional career. It is characterized by vast learning, clear analysis, a masterful touch, a strong and simple style, and a calm and admirable temper. It is firm in its tone, whether of commendation or criticism, and above all it breathes a spirit of hope, and even at times of well-founded exultation. The prophet of unrest or of despair will find no support in these lectures.

The volume has had a careful and discriminating editor in Mr. J. Bancroft Davis, whose supplementary notes, appended to each lecture, will be found hardly less valuable than the lectures themselves. Nor, perhaps ought one to overlook the generous and almost sumptuous style in which the publishers have performed their part of the work. In matter, in editing, and in mechanical execution, the volume is a worthy memorial of the great jurist who has passed away.

The lectures of Mr. Justice Miller are twelve in number, and occupy somewhat more than one-half of the volume. Ten of these lectures were delivered before a class of law students at the National University in Washington. One of them was delivered before the Alumni of the Law School of the University of Michigan, and one is, in substance, the oration delivered at Philadelphia at the one hundredth anniversary of the framing of the Constitution. This statement will make it clear that this volume is in no sense to be regarded as a comprehensive treatise on Constitutional law. The ten lectures delivered before the Law School have, indeed, a certain continuity and completeness, and yet some of these were evidently written at widely different periods and possess among themselves differing degrees of elaboration. The work may justly be regarded as a series of monographic commentaries on selected features of the Con-



stitution. This fact is recognized by the editor, who, in a supplementary chapter, has briefly treated many of the subjects omitted in the author's lectures. The character of the work and the probable purpose of the author have resulted in a very sparing citation of cases, a circumstance which will not be regretted by the general reader or those students who desire to have their attention directed only to the great landmarks of our Constitutional history. In order, however, that the book may prove of equal value to the investigator and the practitioner, the editor has brought together in his supplemental notes and in the annotated constitution, which is included in the appendix, most of the decided cases. It should also be noted in passing that the appendix contains collated and certified copies of the Articles of Confederation, the resolutions offered by Randolph in the Constitutional Convention, and the plan submitted by Pinckney to the same body, or rather the plan which, thirty years later, he thought he had submitted to that body.

Among the topics treated by Justice Miller, those relating to taxation, inter-state commerce, and the impairment of the obligation of contracts, will naturally be the first to attract attention. The clauses governing these subjects, more than any others in the Constitution, have called for the frequent construction of the Supreme Court. More than any others they touch the vast business and industrial interests of the country. In the construction of each, Justice Miller had a large and influential part. The first opinion delivered by him after he took his seat on the bench (*Wabash, etc., Co., vs. Beers*, 2 Black, 448) applied the contract clause for the protection of certain bondholders, whose interests were imperilled by an act of the Legislature of Indiana. From that time until he finally laid aside his judicial robes he was called upon many times to apply some one of these provisions. His views upon the powers of Congress over inter-state commerce were early set forth in the *Clinton Bridge* case (1 Woolworth, 150), a decision which has ever since been regarded by the legislative department of the Government as

a cogent argument in favor of its power to regulate interstate railway traffic. In the first legal-tender case (*Hepburn vs. Griswold*, 8 Wall., 603) he delivered the dissenting opinion, and he concurred in the opinion which overruled that case (*Knox vs. Lee*, 12 Wall., 457). In the volume before us a separate lecture is given to each of these three subjects of taxation, commerce, and the impairment of the obligation of contracts, and they also come in for a large share of attention in the lectures on related subjects, especially in those on the Supreme Court and the limitation upon the powers of the states. Altogether fully a third of the space occupied by the lectures is devoted to a discussion of these three important topics. It is to be regretted, however, that the lectures on "The Regulation of Commerce" and "The Impairment of the Obligation of Contracts," which were evidently written as much as eight or ten years ago, did not receive the personal revision of the author before his death. Valuable as are the supplementary notes of the editor, all students would be glad to have the final word of the eminent author on these important subjects of constitutional law.

Upon one point Justice Miller always dissented from the opinion of the majority of the Court, and in his lectures he further emphasizes that dissent. While entertaining the opinion that the protection afforded by the Constitution to contracts with states has been in the main a great bulwark against unjust legislation, he does not hesitate to say that in his judgment all such contracts as have for their purpose the exemption of individuals or corporations from taxation are not within the protection of that clause, for the reason that it is "not within the constitutional power of one legislature to limit the taxing power of a succeeding one." In this dissent, it may be added, he has had the support of such eminent associates and predecessors as Chief Justice Chase, Justices Field, Catron, Daniel and Campbell, and to a great extent, Chief Justice Taney.

Next to these lectures, those upon "The Judicial Power," "The Supreme Court," and "The Principles of Construc-

tion of the Constitution," will be most eagerly read. That upon the Supreme Court is a resumé of some of the most important decisions rendered by that tribunal. It is neither exhaustive nor even fairly complete. So important and fundamental a decision as that in *Texas vs. White* (7 Wall., 700) is not only not included in this lecture, but is not even referred to anywhere in the other lectures or the supplementary notes. Yet, notwithstanding these omissions, the lecture, in its method, its fine temper, and its eueptic tone, is a noble contribution to the worthy literature on our republican institutions. It closes with a fine tribute to the nation which, in the midst of the most bitter controversies, "always submits to the law as expounded by its judiciary." Such a tribute from one who has sat upon the bench of the most illustrious tribunal in the world for upward of thirty years, and has been associated with four of its eight chief justices, is calculated to give fresh hope to those whose ears have almost been deafened by the dolorous clamor of the latter-day prophets of despair.

Such a volume is a pledge to the future. In these days, when restless and impetuous spirits are abroad in the land, when the ancient veneration for the work of the fathers seems at times to be disappearing, when patriotism expends itself in denunciation and destruction, and sacrilegious hands grasp even at the ermine, it is tonic and restorative to turn to the calm, the solidity, and the luminousness of a work like this. The words of the lamented jurist himself may fittingly sum up the whole spirit and teaching of these noble lectures: "While I \* \* \* feel it impossible to express my admiration and my love for the Constitution of the United States, and my profound belief that the wisdom of man, unaided by inspiration, has produced no writing so valuable to humanity, I should fail of a most important duty if I did not say on this public occasion, that no amount of wisdom in a constitution can produce wise government, unless there is a suitable response in the spirit of the people."

*Indiana University Law School.*

E. W. HUFFCUT.

THE PURSE AND THE CONSCIENCE.—An attempt to show the connection between Ethics and Economics. By HERBERT M. THOMPSON, B.A. Pp. 167. London: Swan, Sonnenschein & Co., 1891.

The purpose of this book, as stated on the title page and in the introduction, is to show the relation between ethics and economics, or rather, the opportunities for ethical action presented by the economic world of the present day.

This purpose is carried out in four chapters and an introduction, having a close logical connection and sequence. In the first chapter the author sounds the key-note to the whole book in the statement that "the competitive system tends to award benefits in proportion to services rendered to the community." It is his firm conviction that justice in the distribution of wealth, so far as that is attainable in this world, would be secured if the competitive system were permitted to operate perfectly. With this idea as the basis of all his arguments the author proceeds in subsequent chapters to describe the obstacles which prevent the perfect working of competition, and to set forth the duties of society relative to their removal. Briefly stated, these may be summed up as follows: The exercise of more zeal in the suppression of crime; better provision for the health and education of those who would otherwise be crippled for the want of them; the removal, so far as possible, of bad laws and bad customs sanctioned by law, of fluctuations in the value of gold and silver, and of ill-disbursed charity; the reform of poor laws and bankruptcy systems, of monopolies and of customs which interfere with competition; such a change in our ethical standard as would make commercial immorality impossible; and finally, a limitation of the rights of inheritance.

It is frankly admitted that all of these reforms cannot be looked for immediately, and that some of them may never be accomplished. In view of this, the author recommends four courses of action, which he thinks best calculated to relieve present distress, and to lead up to these reforms. These

are: First, self-denial with regard to luxuries; second, discouragement of an undue love of possession; third, recognition of our responsibility towards others in the regulation of our money affairs; and fourth, combating the social power of wealth.

Three chapters are given up to the elaboration of these points. The remaining chapter is devoted to an exposition of the weakness and impracticability of socialism. The book has the merits of clear analysis, logical argument and suggestiveness, but it has one serious defect, and that is a failure to recognize the fact that some of the effects of competition are bad. The argument of the entire book is based upon the assumption that competition is a purely beneficent force.

WILLIAM A. SCOTT.

*Johns Hopkins University.*

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DIE THEORETISCHE NATIONALÖKONOMIE ITALIENS IN NEUESTER ZEIT. By DR. HERMANN SCHULLERN VON SCHRATTENHOFEN. Pp. 214. Leipzig, 1891.

This book is unquestionably the result of earnest and scholarly study, based directly on original sources. In a short introduction the author gives a resumé of the history of economic science in Italy from the seventeenth century to 1875, it being with that year that Schullern's study begins. He sets forth the theories of contemporaneous Italian writers on method, on the production, the distribution and the consumption of wealth, as well as on the history of the principles of economics and on statistics, reserving for further volumes the study of doctrines relative to applied political economy and to finance.

The limitations prescribed by the nature of a bibliographical review do not permit me to follow Schullern in his important investigations, which give evidence of the renewed and vigorous growth of Italian science in the field of social economics; and it is, therefore, with regret that I restrict myself to a few incomplete observations, trusting, however, that they may be sufficient to awaken an earnest desire for a

study of the book. The volume is characterized by an interpretation of theories, which is almost always correct, and by subtle and exact observations, which reflect the author's great objectivity of criticism and his great impartiality of judgment. Though he evidently takes his stand among the adherents of the Austrian school, he knows how to give full recognition to the scientific merits of those who fight in opposing ranks, as well as to those who subject to grave and unjust attack the noteworthy results attained by the historical school.

The few omissions may easily be added in a second edition: for instance, he does not refer to the valuable works of *Maggiorino Ferraris*; nor does he make mention of *Rabbeno*, who, though he directed his brilliant study in the line of applied economics—and they are not within the scope of the present volume—nevertheless has had occasion in his writings to set forth his views on certain problems of pure economics; nor is place given to the conspicuous study of Mes-sadaglia on "Population". ("Sulla Popolazione"), nor to that other most excellent book of his on "Average Life" ("*Vita Media*"); and Carlo F. Ferraris is mentioned only in his book on "Money and Inconvertible Paper Money" ("*Moneta ed il Corso Forzoso*"), no note having been taken of the various other essays which in many regards are most interesting. But aside from these omissions, unqualified praise must be given to the book.

In truth, Schullern presents the scientific movement in Italy in all its power; nor is it without purpose that he dates his study from 1875, for then a new era began; it was from that time that Cossa more vigorously directed those theoretical and historical investigations which reflect the varied tendencies and the varied genius of the writers of his day, while all the writings are characterized by a severe exactness of research, and by an excellence of method which are due to the labor of the illustrious Professor of Pavia.

The author sets forth with much clearness the difference between the schools to which our writers belong, and he



justly states that the historical school has not gained absolute adherence in Italy. For he states with reason, that while Lampertico inclines towards that school, he does not accept entirely its fundamental principles, and that although Loria admits that economic phenomena assume a widely different character in different historical periods, he affirms the existence of natural and necessary laws, that cannot be profoundly modified by human power, and that obtain within certain limits of time and space. Especially deserving of notice are the chapters that deal with value, and those that treat of the distribution of wealth; from them it may be seen how much we are indebted to recent economic science in Italy, which, strengthened at foreign sources, and always recognizing the universal character of all knowledge, is taking to-day a new direction, where it will leave the deep imprint of the nation's genius.

AUGUSTO GRAZIANI.

*University of Siena.*

(Translated by Cornelia H. B. Rogers.)

## NOTES.

It will be a matter of interest to all those familiar with the Universities' Settlement in East London, known as Toynbee Hall, to learn that a similar institution is about to be established in Boston under the auspices of the Andover Theological Seminary. "Andover House" is designed to stand for the idea of *resident* study and work in the neighborhood of social destitution and want where it is to be located. A secondary, though important, object is to create a centre for those within reach for social study and practical discussion, lectures being arranged for this purpose. The institution will be under the direction of Robert Archey Woods, author of "English Social Movements,"\* who has carefully prepared himself by an investigation of the social conditions and social work not only in London and other English and Scotch towns, but in Paris as well.

Two circulars have been issued defining the aims of the founders of the new institution.

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THE question of decimal coinage, weights and measures has been taken up again in England. An organization, under the name "Decimal Association," has been formed, and is actively engaged in spreading information on the subject. The agitation centres, for the present, about the currency. The association has declared for no specific decimal unit, but simply for the decimalization of the currency. In an interesting address by Mr. Wm. Alex. Smith on Decimal Coinage, Weights and Measures, an instructive account of the movement towards the decimal system in other countries and in England is given. It is shown that "every civilized nation on the earth," except Great Britain, has adopted a

\* New York : Charles Scribner's Sons, 1891.

decimal system of currency. The plan which most meets the author's approval is the florin plan, taking the present florin or two-shilling piece as the basis, and dividing it into 100 farthings instead of 96, as heretofore. This would give the simple system  $1\text{ } \pounds = 10 \text{ florins} = 1000 \text{ farthing}$ . It will be seen that such a scheme adapts itself to the present system—one of the first requisites of a new plan. The arguments in favor of a decimal system of coinage, weights and measures are well stated. The author calls attention to the economizing of time to be expected not only in actual business life, but especially in the education of children.

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"THE Eleventh Census," by Hon. Robert P. Porter, is a separate edition of the recent address by the Superintendent of the Census before the American Statistical Association. It is a valuable record of the scope of the census work, giving some account of its extent, especially as compared with the census of 1880, and the methods of work adopted under the present organization of the bureau. It shows marked progress in the present census, not only in the field covered, but more especially in the greater detail in which the results are presented. As an appendix, this pamphlet contains a classified list of bulletins already issued.

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MR. MELVILLE E. INGALLS, JR., is preparing a monograph on the impeachment trials that have taken place, both under the national government and in the individual states. He desires to include every case, under the colonies, the states and the national government where there has been a distinct attempt at impeachment, whether there has been a trial or not. As the material on this subject is very scanty and extremely difficult to discover, he will be much indebted for any suggestion of a case not included in the following list.:

Addison, Pa., 1803; Adelbert Ames, Miss., 1876; G. G. Barnard, N. Y., 1874; W. W. Belknap, U. S., 1876; Wm. Blount, U. S., 1877; Botkin, Kan.; Richard Busteed, U. S., 1874; D. Butler, Neb., 1871;

Cardozo, Miss., 1876; Samuel Chase, U. S., 1804; M. Copeland, Mass., 1807; Davis, Miss., 1876; Mark H. Delahey, U. S., 1873; R. C. Dorn, N. Y., 1853; C. A. Edmonds, Mich., 1872; T. N. Frazier, Tenn., 1867; J. Gillespie, Neb., 1871; Wm. Greenleaf, Mass., 1788; J. H. Hardie, Cal., 1862; W. H. Holden, N. C., 1870; F. Hopkinson, Pa., 1780; L. Hubbell, Wis., 1853; W. H. Humphreys, U. S., 1860; Wm. Hunt, Mass., 1794; Huntington, Ohio, 1808; G. S. Hillyer, Kan., 1862; T. Irwin, U. S., 1859; A. Jackson, Mo., 1850; Thomas Jefferson, U. S.; Andrew Johnson, U. S., 1868; John C. Mather, N. Y., 1853; J. Nicholson, Pa., 1794; Pease, Ohio, 1808; Peters, Pa.; J. H. Peck, U. S., 1826; J. Pickering, U. S., 1803; J. Prescott, Mass., 1821; R. Porter, Pa.; J. W. Robinson, Kan., 1862; C. Robinson, Kan., 1862; Ed. Shippen, Pa.; T. Smith, Pa.; G. W. Smith, N. Y., 1866; George Todd, Ohio, 1808; President Tyler, U. S., 1843; John Vinal, Mass., 1800; John C. Watrous, U. S., 1857; Jasper Yeates, Pa.

Mr. Ingalls' address is 42 Beck Hall, Cambridge, Mass.

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M. LOUBAT has made over to the *Académie des inscriptions et belles lettres* an annual income of one thousand francs, which is to be used to establish a prize of three thousand francs, to be awarded tri-annually to the best *printed* work relating to the history, geography, archeology, ethnography, philology, or numismatics of North America. M. Loubat is a member of the New York Historical Society and a life member of the American Academy of Political and Social Science.

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THE volume of Essays and Monographs by the late Professor Allen, of the University of Wisconsin, which was reviewed in the November number of the ANNALS can be obtained of Professor D. B. Frankenburger, Madison, Wisconsin. The price is \$2.00.

## MISCELLANY.

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### THE MUNICIPAL LEAGUE OF PHILADELPHIA.

The references in the articles relating to the reform of municipal government, which appear in the current number of the ANNALS, as well as the very general interest in the subject, expressed not only at the meeting of the ACADEMY in November, but in the communications which have been received, suggest the expediency of presenting to the members of the ACADEMY, as a sample of the possible methods of organization for reform, the By-Laws and the Declaration of Principles of the Municipal League of Philadelphia. We should be gratified to receive descriptions of organizations for similar purposes existing in other cities.

THE EDITORS.

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### BY-LAWS OF THE MUNICIPAL LEAGUE.

#### RULE I—NAME.

The name of this organization shall be the MUNICIPAL LEAGUE OF PHILADELPHIA.

#### RULE II—OBJECTS.

The object of the League shall be to eliminate all National and State politics from our municipal politics; to secure the nomination and election of candidates solely on account of their honesty and fitness for the office; to see that our municipal government be conducted upon non-partisan and strict business principles; and to encourage every wise project for adding to the comfort and convenience of our citizens, and to the prosperity and development of our city.

#### RULE III—METHODS.

The methods to be pursued by the League will be :

1st. *Educational.* By demonstrating to the public the advantages to be derived by the absolute separation of National and State politics

from municipal politics ; and by the publication of a series of tracts on municipal affairs.

2d. *Practical.* By nominating candidates, when necessary, who are pledged to carry out the Declaration of Principles of the League.

#### RULE IV—MEMBERSHIP.

Any citizen of Philadelphia or one whose business is in the city may become a member of this organization by signing and sending to the Secretary of the League, the following application :

"Believing that the affairs of our municipal government will be better and more economically administered by the absolute separation of municipal politics from State and National politics, and being in hearty accord with the Declaration of Principles of the Municipal League of Philadelphia, I hereby make application for membership in same."

#### RULE V—MANAGEMENT.

The Municipal League shall be managed by a President, First, Second and Third Vice-Presidents, Secretary, Treasurer and a Board of Managers consisting of twenty-five members and such other persons as may from time to time be elected by the Ward Associations, as hereinafter provided.

Their term of office shall continue until the annual meeting succeeding their election, or until their successors are duly qualified.

The Board of Management shall elect a Chairman and such other officers as may be desired, and all such sub-committees as may be needed in pursuance of Rule VI.

No person shall accept a nomination or appointment to a municipal or other political office and at the same time continue to be an officer or manager of The Municipal League.

#### RULE VI—SUB-COMMITTEES.

It shall be the duty of the Board of Managers to appoint sub-committees on finance, on ward organizations, and special sub-committees on the investigation of current abuses, on collecting information on the various needs of the city, and upon all matters pertaining to the science of municipal government. These committees shall report upon the matters referred to them, and it shall be the duty of the Board to see that public attention is called to any matters of importance which the sub-committees may report. No committee shall have the right to incur any financial obligation without due authority from the Board.

Any member of the Association is eligible for appointment on a sub-committee.



RULE VII—WARD ASSOCIATION.

A Ward Association can be formed by any twenty members of the League resident in a ward of the city. Each Ward Association, when recognized by the Board of Management, shall be entitled to have one representative upon the Board.

No more than one association can be formed in any one Ward.

RULE VIII—FINANCES.

The annual dues payable to The Municipal League shall be one dollar. This sum shall be paid to the Treasurer of the League not later than the second Monday of September in each year, in advance.

No person who has not paid these dues shall be eligible to vote at any election which the League may hold, and no Ward Association which has not at least twenty members who have paid their dues to the League for the current year shall be entitled to a representative in the Board of Management.

RULE IX—ANNUAL MEETING.

The League shall meet on the first Monday of October of each year, and at that time elect by blanket ballot, after the Australian method, a President ; a First, Second and Third Vice-President ; a Recording Secretary ; a Corresponding Secretary ; a Treasurer, and twenty-five members of the Board of Management, for one year, or until their successors are qualified.

RULE X—MEETINGS OF THE BOARD.

The Board of Managers shall hold their regular meetings on the first Monday of each month. Ten members shall constitute a quorum.

Special meetings may be called by the Chairman upon the application of ten members, provided notice of said meeting shall be mailed, at least three days in advance, to all members of the Board.

RULE XI—AMENDMENTS.

These rules may be altered or amended at any regular or special meeting of the Board by a two-thirds vote of those present, providing a written or printed notice of the proposed amendment shall have been mailed, at least ten days in advance, to every member of the Board.

DECLARATION OF PRINCIPLES.

We, the members of The Municipal League of Philadelphia, inviting the co-operation of all our fellow-citizens, hereby declare, and pledge ourselves to the enforcement of the following principles :

1. We believe that the highest principles of municipal self-government in the United States will be materially promoted by the absolute separation of municipal politics from National and State politics.

2. The material prosperity of all citizens residing or having business interests in the city of Philadelphia depends, in great measure, upon the honest and efficient conduct of its government by enlightened methods and upon business principles. Philadelphia should have the most improved system of taxes, of street paving, of lighting, of water, of drainage, of schools, of transit, and all other public necessities and conveniences. To secure these results will be the earnest and incessant aim of the Municipal League of Philadelphia.

3. We pledge ourselves to nominate or indorse only such candidates as we believe to be honest and capable and in sympathy with the principle of absolute separation of municipal from State and National politics.

4. We advocate the practical extension of the highest principles of Civil Service Reform to all municipal departments, and demand a rigorous observance of all laws and regulations concerning appointments to, and removals from, the municipal civil service.

5. It will be the special object of The Municipal League of Philadelphia to make a thorough and scientific investigation of the correct principles of local self-government, especially as adapted to this municipality, and to collect and publish all appropriate information on the defects and needs of our city government. While the members of the League may be members of widely different National or State organizations, all will be united in the common purpose of obtaining the best city government for the wisest expenditure of money, of advancing the material growth of the municipality, and of stimulating that spirit of progress in her citizens which will secure for them and their descendants the largest measure of domestic comfort and of commercial prosperity.